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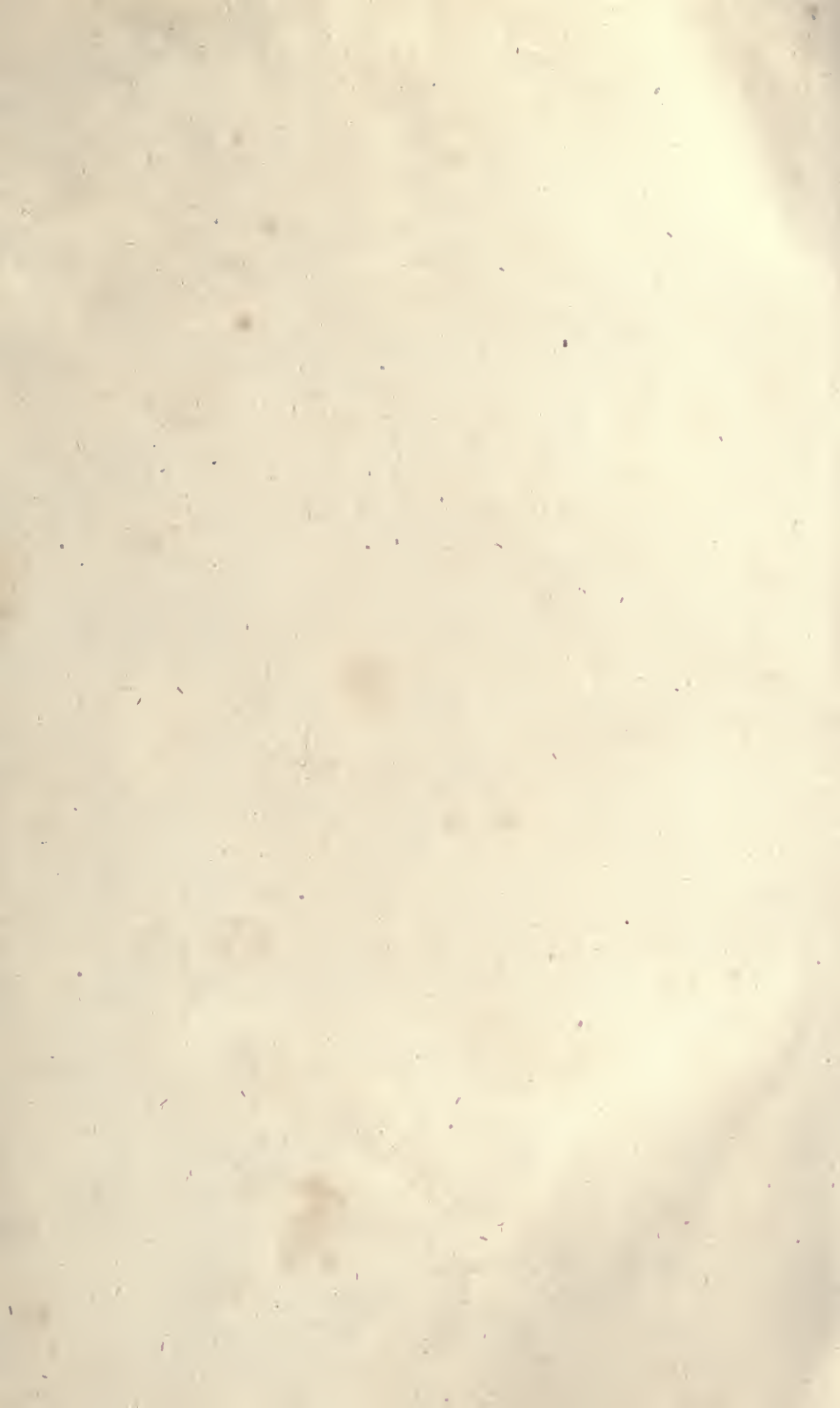
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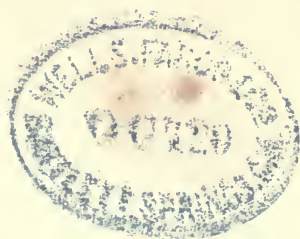
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By J. C. Butler

Schuyler Colfax

HON. SCHUYLER COLFAX.

THE LIFE
AND
PUBLIC SERVICES
OF
SCHUYLER COLFAX

TOGETHER WITH
HIS MOST IMPORTANT SPEECHES.

BY
EDWARD WINSLOW MARTIN.



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TO
THE YOUNG MEN OF AMERICA

THIS RECORD

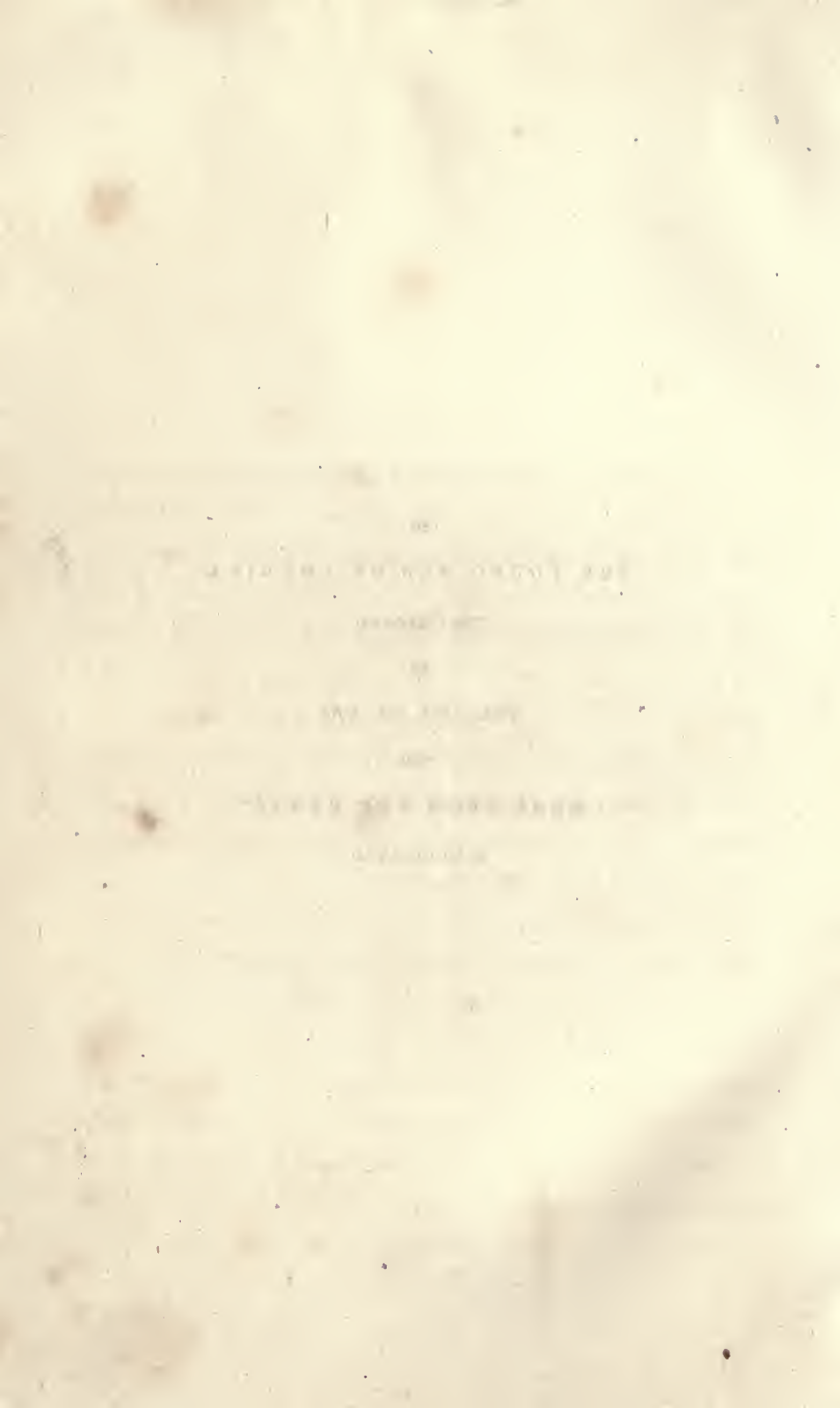
OF

THE LIFE OF ONE

WHO

“ROSE FROM THE RANKS”

IS DEDICATED.



PREFACE.

THE unusual enthusiasm manifested by the people of the Union over the nomination of Mr. Colfax for the office of Vice-President of the United States, has made it proper that a full and detailed account of the life and services of that distinguished statesman should be given to the public, in order that the people of the country may have, in a convenient form, a record of those services upon which his friends base their selection of him for the second post in the gift of the nation. It is confidently believed that no better choice could have been made.

The author has labored to present as complete and perfect a record of the life and services of Mr. Colfax, as can be compressed within the limits of a work necessarily so brief as this. He has given a full history of his Congressional career, his manly defence of the great and vital principles of our system of Government, and his efforts in behalf of the cause of progress in all parts of our broad land. The "Overland Journey" has been sketched briefly but comprehen-

sively, and full accounts of the proceedings of the National Republican Convention, and the events which followed the nominations, are given. Copious extracts from the speeches of Mr. Colfax will be found in the body of the book, and a collection of a few of his most important speeches is appended at the close of the volume, as it is the desire of the author to support his estimates of the subject of the memoir, and the measures discussed herein, by Mr. Colfax's own words. In short, no pains have been spared to make the work worthy of the support which is asked for it.

The book is given to the public with these few remarks, and it is hoped that it may, in some degree, contribute to the task of bringing those who read it into a better and more intimate acquaintanceship with its distinguished subject.

E. W. M.

JUNE 20TH, 1868.

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LIFE OF SCHUYLER COLFAX.

CHAPTER I.

Ancestry—Birth—Boyhood—Early Life—Removes to the West—Appointed Deputy-Collector—Early Studies—Starts a Newspaper—Life in the West—The Debating Club—Delegate to the Whig Convention—Sent to the Constitutional Convention—Defeated for Congress—Schedule of his Majorities—Declines the position of State Senator—Elected to the 34th Congress.

SCHUYLER COLFAX comes of good stock. His grandfather was General William Colfax, of New Jersey, a distinguished officer of the Revolution, who commanded the life-guards of Washington throughout that struggle. The confidence and affection reposed in him by the great commander, during that dark period of our history, were fully merited, and no officer of the Continental Army was more highly esteemed by his comrades in arms. After the war closed, the tried soldier was among the most intimate personal friends of Washington, which circumstance is the most emphatic endorsement of his worth and integrity, as a man, that the "Father of his Country" could give. General Colfax married Hester Schuyler, a cousin of the famous General Philip Schuyler, of the Revolution, and in whose veins flowed the best blood of New York. His son by this marriage was named Schuyler, after the family of his wife. After attaining his manhood, this son became an officer in one of the New York banks. He did not long survive his marriage, but died about

four months before the birth of his son, the subject of this memoir.

SCHUYLER COLFAX was born in North Moore street, in the city of New York, on the 23d of March, 1823. His mother was of very limited means, and unable to provide him with the advantages of education, for which his unusual brightness and aptitude showed him fitted; and such education as he received was gained at the grammar-schools of the city, and the High-School in Crosby street, to which he was soon promoted. He was possessed of more than usual intelligence and quickness, and though his school career was brief, it was one that both instructor and pupil could contemplate with pleasure.

His mother's means were too limited, however, to allow him to remain at school long, and, by the time he was ten years of age, he was put into the store of a friend, as a clerk. There he remained three years, contributing greatly, by his small salary, to the support of his widowed mother, and entirely maintaining himself. In 1836, his mother, having married a gentleman named Mathews, removed with her husband to St. Joseph County, Indiana, taking her son with her. Young Schuyler there became a clerk in a store in the village of New Carlisle, which position he held until he was seventeen years old.

In 1840, he was appointed Deputy-Auditor of the county, and, in order to have the best facilities for the discharge of his duties, he removed to the town of South Bend, where he has resided ever since. This was his entrance into public life.

It is said that it is the ambition of every American boy to become President of the United States. Whether this feeling was shared by young Colfax we are not prepared to say; but it is certain that, at a very early day, when most boys are thinking of their games and play, he made up his mind to enter upon the stormy and uncertain career of politics at the first practicable moment, and to rise as high and as quickly as his abilities would permit. Nor did he content himself with merely determining to rise in the life he had marked out for himself. He began, when only sixteen or seventeen years of age, to pursue a systematic and careful course of reading and study, resolving to make up by his own exertions what he had lost in leaving school so young. He read law thoroughly, and, though he had no idea of entering upon the practice of it, he soon became "an acknowledged expounder" of it, and it is believed that his friends sought his advice in such matters quite as often as they did that of the legal gentlemen of the neighborhood. Many hours of each day, after the duties of his office were over, were given to the most careful and laborious study. History, biography, travels, poetry, fiction, and every thing that could store his mind with useful knowledge, or aid him in acquiring elegance of style in which to express his thoughts, were eagerly read and pondered over by this young man, who had resolved to win a name. He knew the slow, uphill, wearying nature of the task upon which he had entered, but he did not shrink from it. Other men had begun as poor and unknown as he, and had won the President's chair. The task was hard,

but it required only industry, merit, and independence; and he meant to succeed as far as lay in his power.

In 1845, at the age of twenty-two, he took his first step in the path he has since trodden so worthily. He established a weekly journal at South Bend, called "*The St. Joseph Valley Register*." Of this journal he was the sole proprietor and editor. Those who know any thing of the difficulties which lie in the way of a country newspaper during the first few years of its existence, will appreciate the magnitude of the task which Mr. Colfax thus undertook. The country was not very thickly settled, and the people, who were just laying the foundations of that remarkable prosperity which they enjoy to-day, had very little money to spend on newspapers, and still less for advertising. The revenues of the paper were very small, and its expenses very heavy. He began with just two hundred and fifty subscribers, and by the end of his first year had succeeded in contracting debts for his paper to the amount of thirteen hundred and seventy-five dollars. The prospect was gloomy enough, but the young editor was not discouraged. He had begun bravely by putting his shoulder to the wheel, and doing his own work. In order to economize his resources as much as possible he applied himself to learn "the printer's art," and worked regularly at the case, until his editorial duties and increasing office business compelled him to desist. Undismayed by the gloomy condition of his affairs at the end of his first year, he persevered, and slowly and surely won success where all had seemed so doubtful before. His paper steadily prospered, and

gradually became a source of profit to him, affording him a very comfortable, if not a very large income. A few years after its establishment, his office, which was entirely uninsured, was burned down, and he had to begin his labors over again. He made good all his losses, however, and continued his connection with the paper until three or four years ago. During the early years of his Congressional career, he wrote regularly a weekly letter to it, which aided very materially in increasing its circulation and popularity in his State. "The Register," says one of the best of American journalists, "was ably edited, and was a model of courtesy and dignity. Every paragraph, however small, seemed to have passed under the supervision of and to reflect the mind and thoughts of its editor." Mrs. Stowe, in her "Men of the Times," says: "Besides paying well, the 'Register,' as conducted by Mr. Colfax, is entitled to the much higher praise of having been a useful, interesting and a morally pure paper, always on the side of what is good and right in morals and society. It has been, for instance, constantly in favor of temperance reform; and it has always avoided the masses of vile detail which so many papers of respectable position manage to distribute in families under pretence that they must give full news of police reports and criminal trials."

Soon after the "Register" was established, Mr. Colfax assisted in organizing at South Bend a Debating Club, composed of the best men, both young and old, of the town and county. This club met at stated periods, and its debates are said to have been marked

by more than the average ability of such bodies. Politics, law, history, and every topic of a useful or entertaining nature, furnished the themes which were discussed by these Village Ciceros.

Mr. Colfax was rarely absent from the meetings, and taking part in every discussion soon acquired that readiness and polish as a debater which have marked his course ever since his first appearance in public life. He was regarded as the best and most formidable debater in the club, and there were few who cared to encounter either his weighty arguments or his ready repartee.

The Hon. John D. Defrees, now Superintendent of the Government Printing, and for many years the editor and proprietor of *The Indianapolis Journal*, was also a member of the club, and between Mr. Colfax and himself there sprang up a friendship which has continued unbroken to the present day.

While connected with *The Register*, Mr. Colfax, for several sessions, held the post of Reporter of the Debates of the State Senate to the *Indianapolis Journal*. The experience which he gained in this position was of great service to him, as it enabled him to familiarize himself with the forms and rules of parliamentary assemblies.

In entering upon his political life, Mr. Colfax cast his fortunes with the old Whig Party, with which he continued to act so long as it existed. He exerted himself energetically through the columns of his paper, and elsewhere, in behalf of his party and its principles, and it was not long before he won the regard and confidence of his political associates. In 1848, he was a

member of the Indiana delegation to the National Whig Convention, which nominated General Taylor for the Presidency, and was chosen by that body to act as its Secretary. He took an active part in the campaign which followed, and enjoyed the satisfaction of witnessing the splendid triumph of his party.

His district was strongly Democratic, but so great was his personal popularity, that, in 1850, he was chosen to represent the County of St. Joseph in the Convention which framed the present Constitution of the State of Indiana. In this body he acquired an enviable reputation as a debater, as well as for the soundness, moderation, and fairness of his views.

Among the measures introduced into the Convention, was one prohibiting free colored men from settling in the State. This Mr. Colfax opposed with all his ability, denouncing it as unwise and unjust, and as calculated to dishearten the negro race in whatever efforts they might make for their advancement intellectually or morally. He thus early placed himself fairly in the position he has always held, of friendship to the oppressed and downtrodden of all races and countries. The earnestness with which he opposed the measure is said to have been the cause of his defeat in his first nomination to Congress.

In 1851, he received the nomination of his party for the position of Representative in Congress for his district. His opponent, the Democratic nominee, was Dr. Graham N. Fitch, who afterwards figured in the United States Senate during the Administration of Mr. Buchanan. Although the district was Demo-

cratic, Mr. Colfax ran his antagonist so hard, that the latter was elected by only 238 majority, in a poll of 18,474 votes. Few men could have made such a fight in a hostile district.

It may be interesting to the reader, at this point, to glance at the successive majorities by which Mr. Colfax has been regularly returned to Congress, since his first and only defeat. The statement is taken from the *New York Tribune*.

1851.	Colfax	9,118	Fitch	9,356
1854.	Colfax	9,989	Eddy	8,223
1856.	Colfax	12,926	Stuart	11,890
1858.	Colfax	14,541	Walker . . .	12,610
1860.	Colfax	16,860	Cathcart . .	13,458
1862.	Colfax	14,775	Turpie	14,546
1864.	Colfax	16,658	Turpie	14,978
1866.	Colfax	20,221	Turpie	18,073

"Thus we see," says *The Tribune*, "that our Candidate for the Vice Presidency has proved as invincible in the arena of intellectual struggle for Liberty and Loyalty as our more illustrious candidate amid the stern alarums of War."

Previous to this defeat, Mr. Colfax had been offered the nomination as Senator from his district in the State Legislature, but had declined it for the reason that at that time his business claimed his every energy. There is no doubt that his personal popularity, which grew stronger every day, and which was founded on his sterling worth as a man, and his merits as a politician, would have secured his election by a very large majority.

In 1852, Mr. Colfax was chosen a delegate to the National Whig Convention, which met in Baltimore on the 16th of June, and was appointed by that body one of its secretaries. This convention nominated General Winfield Scott for the Presidency, and the campaign which followed was a very exciting one.

Mr. Colfax declined a nomination to Congress this year, and his district, which the Democrats had carried against him by only 238 majority, was now lost to the Whigs by over one thousand majority. He entered into the Presidential canvass with great energy, speaking frequently in behalf of the Whig nominee, and using his pen with his accustomed vigor. Every effort was vain, however. The Whig Party had hesitated to take the high moral ground on the issues of the day upon which duty and patriotism required it to stand, and even the great soldier it had placed at its head, could not win it success.

In 1854, Mr. Colfax was again nominated to Congress by his party, and this time was elected by 1766 majority, over Mr. Eddy, his Democratic competitor. The member from the St. Joseph district had been sent to Congress as a Free Soil Democrat, and it was understood by the people of his district that he was to represent fairly their sentiments upon the question of Slavery in the Territories. They, in common with the entire North and West, had resolved to put a stop to the era of concessions to Slavery, and while they were not desirous of interfering with any of the rights of the South, or of destroying Slavery where it then existed, they were determined that not one foot

more of our fair land should be polluted with the foul stain. A mighty, although a quiet revolution had swept over the Northern mind, and the resolve that Slavery should be confined to its then existing limits, grew stronger every day. By the terms of the Missouri Compromise, Slavery was prohibited forever, north of the line of 36 degrees, 30 minutes, north latitude, and protected south of that line. The Bill for the organization of the Territories of Kansas and Nebraska, reported by Senator Douglass from Illinois, repealed the Missouri Compromise, and thus opened again a question which it was thought had been forever settled by that instrument. This repeal was believed by the North to be a breach of faith, and it met with the sternest condemnation of that section. The member from the St. Joseph district had been one of those who had voted for it, and his constituents resolved that he should not return to Congress as their Representative. Accordingly, Mr. Colfax was nominated and elected in the fall of 1854.

CHAPTER II.

Meeting of the 34th Congress—Political complexion of that body—Contest for the Speakership—Mr. Colfax's Reply to Mr. Stewart—A Happy Hit—Ruse to elect a Pro-slavery Speaker detected and foiled by Mr. Colfax—A plain Statement—Interesting Debate—The Game Blocked—Renewal and final Failure of the Pro-slavery Ruse—Sharp Practice in the House—Boldness of Mr. Colfax—A Fearless Champion of the Right—Generous Defence of Mr. Banks—Election of Speaker—Bill for a Harbor of Refuge at Michigan City—Efforts of the Democrats to defeat the Measure—Its final Passage.

THE first Session of the 34th Congress met in Washington on the 3d of December, 1855, and in this body Mr. Colfax took his seat as Representative from the Ninth Congressional District of Indiana. After the organization of the House, he was appointed by the Speaker a member of the Standing Committee on Elections.

There was in the Lower House of this Congress a decided majority against the Administration of Mr. Pierce, but the elements comprising this opposition were so inharmonious and discordant, that they were in no condition to accomplish any thing of consequence. The Anti-Nebraska men numbered, all told, about 108 members, the Democrats, who supported the Administration, about 75, and the "Americans," or Know Nothings, about 40. The Know Nothings, as will be seen from this estimate, held the balance of power in the contest for Speaker, with which the proceedings of

the House opened. Both parties, Republican and Democratic, were anxious to secure the Speakership, inasmuch as the Speaker has the right to appoint all the Committees of the House, according to his pleasure, and by making these Committees to consist of *pro*-Slavery or *anti*-Slavery members, can to a great degree influence the legislation of the House. It was well known, for all the past had proved it, that if a *pro*-Slavery Speaker should be elected, the Committees would be formed entirely in the interest of the South, and that the voice of the Free States would be to a great degree, if not entirely silenced, by the refusal of the Committees thus organized to report any measure favorable to the Free Soil element. Thus the contest for the Speakership assumed a grave and most exciting character. The Republicans were determined to spare no effort to elect their candidate, and the Democrats were equally resolved. The Know Nothings, although they presented a candidate of their own, really balanced between the two great wings of the House, courted and dreaded by each.

The contest began on the 3d of December, 1865, by the nomination of the Hon. William A. Richardson, of Illinois, as the Democratic Candidate. Hon. N. P. Banks of Massachusetts, was nominated as the Anti-Nebraska Candidate, and besides these two, there were nominated Hons. Humphrey Marshall of Kentucky, Henry M. Fuller of Pennsylvania, Lewis D. Campbell, of Ohio, and Alexander C. M. Pennington, of New Jersey. When the vote was counted, it was found that Mr. Richardson had received 74 votes out

of the 113 necessary to a choice, Mr. Campbell 53, Mr. Marshall 30, Mr. Banks 21, Mr. Fuller 17, and Mr. Pennington 7. Besides these, 23 votes were scattering. From this time the contest went on with increasing excitement, until the 2d of February, 1856, when, on the 134th ballot, Mr. Banks was elected Speaker by a vote of 103 to 100 for Mr. Aiken. This was the first decided triumph the Anti-Slavery men had ever won in Congress, and they were naturally very proud of it.

Though a new member, Mr. Colfax took an active part in the election, and the struggle which preceded it. On the 24th of December, 1855, Mr. Stewart, of Maryland, presented to the House a series of Resolutions, setting forth the views of the Democratic party on the general condition of the country, and indirectly charging the Republicans with a desire to break up the country, a desire to encourage unlawful armed expeditions, and concluding with an intimation that the Democrats would to the end oppose the election, as Speaker, of any man who was not unreservedly committed to their principles.

Mr. Washburn, of Maine, moved to lay the resolutions on the table, whereupon Mr. Rust, of Texas, moved to "refer them to the Committee of the Whole on the State of the Union, when a Speaker is elected."

Mr. Colfax had listened patiently to these resolutions, and detecting the covert, but sharp attack on his party contained in them, at once prepared a reply. Rising to his feet, he said: "If the gentleman from Maryland will be kind enough to accept the following

as a *substitute* for the series of resolutions he has proposed, I may feel disposed to vote for them. I submit them to his consideration :

“*Resolved*, That this House earnestly disapproves of any attempt, open or covert, to annex the island of Cuba to this Republic.

“*Resolved*, That it would heartily approve of the annexation of that part of Oregon which was surrendered to Great Britain by the Administration of James K. Polk.”

The *repartee* was so well delivered, and so sharp, that the shaft went straight to the mark, and the “new member” resumed his seat amidst shouts of laughter, and cries of “good” from many Democrats, as well as the Republicans.

The most important service rendered by Mr. Colfax during the contest for Speaker, was the manner in which he prevented the success of the plan for placing Mr. Orr, of South Carolina, in the Speaker’s Chair. It was seen that the struggle in the House would undoubtedly be a very long one, and in order to facilitate the despatch of the public business, Mr. Campbell, of Ohio, who had been elected as an Anti-Nebraska man, offered the following resolution :

“*Resolved*, That the Hon. Jas. L. Orr, of South Carolina, be invited to preside over this body until a Speaker is elected.”

Considering the great personal popularity of Mr. Orr in the House, there was every reason to believe that this resolution would be adopted. The proposal was on its face a very fair one—Mr. Orr was in every

way qualified to discharge the duties of the office. He was very popular, and it seemed at first, that under his administration the business of the House would go forward smoothly until a regular Speaker could be chosen. But the whole affair was really a shrewd device on the part of the Democrats to secure the election. With Mr. Orr once in the Chair, they hoped to secure votes enough from the Know Nothings to keep him there, and that their hope was well founded, is shown by the fact, that nearly all of that party went over to the Democrats at the final vote for Speaker.

Some debate followed the offering of the resolution, and a motion to lay it on the table was lost by a vote of 88 yeas to 108 nays.

As soon as this vote was announced, Mr. Colfax, who had detected the whole scheme of the Democrats, rose, whereupon the following debate ensued :

“Mr. Colfax.—I regret, Mr. Clerk, that at this most important move of the Session—

“Mr. Clingman.—I rise to a question of order. The previous question has been moved upon the resolution before the House, and no debate is in order.

“Mr. Colfax.—I think I have the floor.

“Mr. Clingman.—I must insist upon my question of order.

“Mr. Colfax.—Other gentlemen have spoken since the previous question was called, and I claim the right to be heard also.

“The Clerk.—The recollection of the Clerk is, that the previous question was moved, but he had forgotten it at the time he recognized the gentleman from In-

diana. The Clerk thinks, however, that the previous question has been moved, and the journal bears him out in his recollection. No debate, therefore, is in order.

“Mr. Campbell, of Ohio.—I made the motion for the previous question, but understanding that the honorable gentleman from Indiana desires to make some observations upon the resolution, I will withdraw the motion for the purpose, if he will renew it.

“Mr. Colfax.—I will renew it. Mr. Clerk, I regret that, at this most important move of this protracted struggle, which has attracted not only the attention of the House but of the whole country, I am compelled by conscientious convictions to vote against the motion of the distinguished gentleman from Ohio, with whom it has been my pleasure generally to act upon this floor. Sir, I am not a lawyer; but I have often heard it stated by lawyers, that possession is nine points in the law. It is well known that the distinguished gentleman from South Carolina, whose name appears in this resolution, has been spoken of as the one likely to be settled on as the compromise; and I am unwilling, considering the magnitude of the issues involved, to give him the advantage which he would derive from the temporary occupancy of the chair. I am willing, however, to act as magnanimously as gentlemen on the other side could reasonably claim. I am willing that the clerk, belonging, as he does, to the Administration party, should continue to preside over our deliberations until a permanent organization has been effected; and I will go further; I am willing to place the two minorities here

the Democracy and the American party, upon equal footing with the very large plurality—I might almost say majority, of members who are Republicans; for I believe it is very well understood that the members voting for Mr. Banks are, if the scattering votes are not counted, a majority over those voting for both Mr. Richardson and Mr. Fuller. I am willing that the three parties in the House shall occupy an exactly equal position in this temporary organization. I propose, therefore, to amend the resolution offered by the gentleman from Ohio, by striking out all after the word 'Resolved,' and to insert the following:

“That the three parties in this House, represented by the one hundred and five votes for Mr. Banks, the seventy-five votes for Mr. Richardson, and the forty votes for Mr. Fuller, shall each elect a Speaker pro tempore, who shall preside over the deliberations of the House alternately, as they shall mutually agree among themselves, until a Speaker is elected.”

“Mr. Campbell.—I have but a word to say in reply to the gentleman from Indiana.

“The Clerk.—The Clerk would suggest that inasmuch as the call for the previous question was pending and withdrawn temporarily in order to allow the gentleman from Indiana to address some remarks to the House, the proposition which he has submitted is not in order.

“Mr. Colfax.—I rise to a question of order. The gentleman from Ohio [Mr. Campbell] withdrew his call for the previous question, and yielded the floor to me. While occupying the floor then I was invested

with all the rights that can be exercised by any member upon this floor. The call for the previous question has not been seconded. I am willing to renew the call for the previous question ; but I maintain that my proposition is now before the House as an amendment to the resolution of the gentleman from Ohio, and preceding the motion for the previous question.

“Mr. Sage.—If my memory serves me, the call for the previous question was not seconded. The call was made, but the main question was not ordered to be put.

“The Clerk.—The Clerk, on reflection, thinks that the proposition of the gentleman from Indiana [Mr. Colfax] is in order. The floor was yielded to the gentleman from Indiana on condition that before he took his seat he should renew the call for the previous question, which had been withdrawn by the gentleman from Ohio [Mr. Campbell]. Before resuming his seat, and previous to his renewal of the call for the previous question, the gentleman from Indiana presented his amendment. The Clerk thinks that it is in order.

“Mr. Colfax.—I submitted my amendment before I renewed the call for the previous question. The gentleman from Ohio desires to reply to what I have said, and I therefore withdraw the call for the previous question, and give up the floor to him for that purpose.

“Mr. Campbell.—Mr. Clerk, the proposition which I made is a simple one ; and I had no idea that there would be any stir or excitement about it. Nor did I suppose that I was about to separate myself from my

very highly esteemed friend from Indiana, or any body else on this side of the Hall. What is it? Does it propose to give in to the Opposition? And let me say to the gentleman, that when it comes to war with that Opposition on the Nebraska question, I will be found one of the last men to yield the point. Does it propose to give any advantage to the Opposition? [A Voice. It gives them the Malakoff]. It gives them the Malakoff, does it? If I understand the position of the Clerk on the principles of the Nebraska bill, he goes to the furthest extreme proposed by the gentleman from South Carolina [Mr. Orr]. Then we yield nothing in simply proposing that the Clerk, who has the duties of the clerkship devolved on him, shall be relieved from the charge of presiding, and it shall be placed in the hands of one who, it is acknowledged on all hands, understands the parliamentary law, and will be impartial in administering it. Will the gentleman from Indiana then tell me what point of principle in the great contest I have waived by the proposition?

“Mr. Colfax.—I will answer my friend from Ohio with great pleasure. I can see, notwithstanding I am “no prophet, nor the son of a prophet,” in the vista of the future that after we have spent another three weeks in balloting for a Speaker, a proposition may be sprung on the House—worried out, weary with dissensions and discussion, something like this: that the gentleman from South Carolina [Mr. Orr], who will be in the chair, who will have doubtless administered its parliamentary duties impartially and acceptably, shall, inasmuch as we cannot elect any body else, be de-

clared the elected Speaker of the Thirty-Fourth Congress.

“Mr. Campbell.—If the honorable gentleman from Indiana comes here expecting to be worried out of principle, he had better make up his mind to pack up and go home. [A Voice.—Will you never be worried out?] No, sir, never. You have adopted a rule this morning which will require those of us who are determined not to give in on it, to sit here and vote, and vote, and vote, until you make a Speaker. Now, if the gentleman expects to be worried out to-morrow, or next week, or the week after next, let him say so.

“Mr. Colfax.—Allow me to explain. My friend from Ohio certainly misunderstands me. He does not exhibit his usual clear-sightedness in misunderstanding my point as he does. Perhaps I am vague. I was alluding in my remarks specially to the minorities which have been billing and cooing on this floor. Have we not heard appeal after appeal made to the friends of the gentleman from Illinois [Mr. Richardson] to take down that Democratic platform, which is a wall of fire that divides them, or to present some other candidate whom the gentlemen of the twelfth section of the American platform can vote for, without being considered as indorsing the resolutions of the caucus which nominated Mr. Richardson?

“Mr. Campbell.—Let them take the responsibility; and I say to the gentleman from Indiana that I would rather belong to a bold minority standing inflexibly against the principles of that Nebraska bill, without an organization such as we would wish, warring against

this Administration with its organization, than to belong to that party which, by a kind of machinery, gets the power of the House. Now, sir, it is the simplest and fairest proposition, it strikes me, that was ever submitted, under the circumstances, to a body like this. It is simply a transfer of the presiding powers, temporarily, until you elect a Speaker. The honorable gentleman from South Carolina [Mr. Orr] is acknowledged, on all hands, to be a man of fairness. He differs from me on all points of politics.

“This is a transfer, with a view to what? As I expressed it a while ago, with a view to the good order, the decorum, and the dignity, which should characterize an American Congress. Do we not all know, at least those of us who have served here in times past, that, even under the administration of a permanent Speaker—when you came to night sessions, day and night continuous sessions without sleep, as your resolution proposes, and without food, except that which you may get about the Capitol—there are scenes of turbulence and disorder unbecoming the high character which ought to belong to this body? The proposition is made with the view of preserving our character before the eye of the world, at the same time exhibiting, I admit, some degree of magnanimity, when I propose to take a gentleman differing from me widely as does the gentleman from South Carolina. Had I consulted my own wishes, and had I looked to that which is, perhaps, due to the distinguished gentleman from my own State, I should have inserted the name of my colleague from the Ashtabula district [Mr. Giddings]; but I knew

full well, then, that I should be charged with sectionalism, abolitionism, and fanaticism.

“A minor point, as I expressed it, I thought clearly, in the outset, was not to impute impropriety to the Clerk at all, but to relieve him in some degree from the onerous duties which have been devolved on him for the past three weeks, and transfer them to a man of similar political opinions until a Speaker should be elected; one, too, in whose integrity and impartiality I have the fullest confidence. I lose nothing to the gentleman's cause by the motion; nothing to the cause of those of us on this side, or to that of the gentlemen who come prepared to vote for a resolution showing to the world that we mean to sit here until we shall elect a Speaker, and then, whenever they get sleepy or hungry, go home. I have entered here for this entire campaign [laughter]; and, whenever the gentleman from Indiana finds me yielding one single point of principle, it will be time enough for him to notify the House and the country that he discovers that it is his duty to separate from me.

“Mr. Colfax.—I trust that my friend does not understand me as imputing to him any want of principle.

“Mr. Campbell.—Not at all.

“Mr. Colfax.—I would be the last man to do it. I think the proposition was a mismove; but he knows right well that, wherever his banner leads in the Nebraska fight before us at this session, there will I follow him unflinchingly to the end.

“Mr. Campbell.—I do not aspire to lead any body. My only aspiration now is to make such provision as

will enable us to go on with the business of the House. We can do so under my resolution, harmoniously and in good order. I renew the demand for the previous question." [Cries of "Question!" "Question!"]

Some further debate ensued, but the House adjourned before the vote could be taken. Night brought with it reflection, and the Anti-Nebraska members saw that Mr. Colfax's exposition of the device of the Democrats was true, and that the danger with which they were threatened was great. Next morning, December 27th, it was clearly seen that Mr. Campbell's resolution would be defeated, whereupon it was withdrawn, and the plot of the Administration members, into which Mr. Campbell had been so cleverly entrapped, was defeated. The credit was due to the vigilance and energy of Mr. Colfax, who soon came to be known as one of the best parliamentarians in the House.

For a while the dreary monotony of voting for Speaker went on daily; but the Democrats, hoping to win by a sudden bold move, renewed their efforts on the 9th of January, 1856, when Mr. Sneed, of Tennessee, offered a resolution that the Hon. James L. Orr "be requested to preside as temporary chairman until a Speaker be elected;" and on this resolution the gentleman demanded the yeas and nays.

This attack had not been expected by the Opposition, as it had been believed that the manner in which Mr. Campbell's resolution had been received had definitely settled the question; but, as soon as Mr. Sneed resumed his seat, Mr. Colfax rose and offered a resolution similar to that which he had offered on the 26th

of December. Mr. Washburne, of Maine, moved to lay the whole subject on the table, while Mr. Humphrey Marshall, of Kentucky, moved to adjourn. The Clerk stated that Mr. Washburne's motion was before the House, and a call was made for the yeas and nays, which were ordered; but before the roll could be called, the resolution of Mr. Sneed was withdrawn.

Failing in this effort, the Democrats now tried to force upon the House a resolution to sit continuously from that time, Wednesday night, until noon the next Saturday, unless a Speaker should, before that time, be elected. They hoped, by subjecting their opponents to this severe physical strain, to force them either into voting for their candidate, or into some compromise, from which they hoped to reap the chief benefit. Feeling assured that they could not win in a fair fight, they were willing to resort to any stratagem. Upon this resolution, the author of it, Mr. Paine, of North Carolina, called for the previous question. Believing that, under the dread of being forced into a continuous session of nearly three days and nights, the Republicans would consent to a compromise, Mr. Sneed, of Tennessee, renewed the resolution he had offered with reference to Mr. Orr. It was a skilful move, but was promptly met by Mr. Washburne, of Maine, who again moved to lay the whole subject on the table. After some disorderly debate, and amidst considerable confusion, the House refused, by a vote of 100 yeas to 101 nays, to lay the resolution of Mr. Sneed on the table, Mr. Colfax and the Republicans voting "yea." Mr. Washburne then demanded the yeas and nays on order-

ing the main question to be put ; but the House, by a vote of 92 yeas and 106 nays, refused to order the main question "to be put now," Mr. Colfax and the Republicans voting "nay."

Pending the call of the roll, Mr. Colfax rose to explain his reason for voting nay, and said :

"Mr. Clerk, I desire to state, as I have the right to do, the reasons for my vote. I will occupy but a few moments.

"Mr. Clingman.—I will make the point of order that, in a proceeding under the previous question, no debate is in order.

"Mr. Colfax.—In answer to that point of order, I will state that the honorable gentleman from Mississippi [Mr. Quitman] was allowed to speak in regard to a question which was not pending, during a call of the roll on the recent motion to lay on the table.

"The Clerk.—It has been the usage to allow gentlemen to explain their votes during the call of the roll, and the gentleman will proceed with his remarks.

"Mr. Colfax.—Mr. Clerk, then, if I am in order, I desire to say a few words, not so much to the House as to the people, who are anxiously watching every movement here. It became my duty, or at least I felt it to be so, a week since, when a proposition similar to the one now under consideration was introduced, to set forth what, in my judgment, would be the legitimate results of the adoption of that resolution by this body, and I predicted then that if the gentleman from South Carolina was placed in the chair temporarily, he would be retained there permanently. The gentleman from

Tennessee [Mr. Sneed] again presents the resolution this evening. He is a Southern, or, as it is generally called, a 'twelfth section American.' I immediately proposed, as I did on a former occasion, an amendment, that the three gentlemen who have been respectively voted for as candidates for the speakership should be invited to act as temporary chairmen, to preside alternately over our deliberations, as they might mutually agree, until a Speaker was elected. This, in my opinion, was as magnanimous as could be claimed. It was a proposition from the majority to place the two minorities, whose united vote only equals ours, each upon an equal footing with the Republicans; and yet, by the sharp tactics of my friend from Tennessee, it was refused, and no vote allowed to be taken upon it, he first withdrawing his resolution, which caused my amendment to fall with it, and then reoffering it, and calling the previous question before he took his seat, so as to cut off the unpalatable amendment.

"What has passed in this Hall for the past few weeks, Mr. Clerk? There have been offered from this side of the House, at five several times, plurality resolutions, as means by which this entanglement might promptly be settled, and an organization effected without sacrifice of principle by any one. Who were the members that voted them down? Gentlemen say that they are not in alliance with the Democratic party—

"Mr. Sneed (interrupting). If no other gentleman will, I will call the gentleman to order. I called for the previous question, and that, I think, cuts off all debate.

"Mr. Colfax.—I am in order. I have but a few words to say, and I insist on my right to complete my remarks.

"Mr. Sneed.—I insist on my question of order.

"The Clerk.—The practice of the House has been to allow gentlemen, during a vote, to explain their position. The Clerk submits the matter to the House for its decision. [Cries of 'Call the roll!' 'Go on!' 'Hear him through!']

"Mr. Colfax.—Am I to understand that I am ruled out of order?

"The Clerk.—The Clerk simply states that it has been the practice to permit gentlemen to explain their votes during the call of the roll.

"Mr. Colfax.—Then I will proceed.

"Mr. Sneed.—I will say with great respect, that such has not been the practice on motions to adjourn, or on ordering the main question to be now put.

"The Clerk.—It has been indulged on motions to lay on the table, and also on motions to adjourn. [Cries of 'Go ahead, then!']

"Mr. Colfax.—I will now proceed with my remarks. We have offered a plurality resolution time after time on this side of the House—the same kind of a resolution under which the distinguished gentleman from Georgia [Mr. Cobb] was elected Speaker of the House. Though that plurality rule once inured to the advantage of the Democratic party, a change has now come 'o'er the spirit of their dream,' and it is now bitterly opposed by that same party. Again, while they profess a holy horror for those whom they call

Know Nothings, yet, sir, they exhibit no tenderness of conscience, no coy reluctance, when striking palms with a view to make war against a foe which seems common to both, which is pledged and resolved to use every exertion to prevent the extension of Slavery, and which regards the great issue of freedom as paramount to all others.. The alliance of the Democracy and the southern Know Nothings on the votes against the plurality resolutions, which would have organized this this House in an hour, and also on the resolution now pending before us, is as perfect as that between England and France. Although they may talk of the hereditary hates of the past, yet in act and deed they are now in offensive and defensive alliance. So, in act, and vote, and deed, do these minorities war, shoulder to shoulder, against the Republicans. What a spectacle is presented to us! The gentleman from Illinois [Mr. Richardson,] the chosen champion of the Administration members, voting with the gentleman from Pennsylvania, [Mr. Fuller], the chosen champion of the national Americans; the Democrats and the twelfth-section Know Nothings side by side! We see the good-natured gentleman from Philadelphia [Mr. Florence] voting most cordially on this resolution and the plurality rule with those whom he has called 'Church-burners.' We see the gentleman from Philadelphia, his colleague, [Mr. Cadwalader,] voting with those who he says are guilty of rapine and of almost every other crime in the calendar. And so on through the whole roll-call, we see the gentlemen who engaged with so much animation in a battle of *words*

making the same record in their *votes* on all the resolutions which look toward the organization of the House.

“The proposition was offered by Mr. Sneed, a twelfth-section Know Nothing, that Mr. Orr should be selected as chairman to preside over our deliberations until a Speaker was elected. To that I proposed an amendment, that the three principal candidates for the speakership should preside temporarily, each in his turn. The gentleman from Tennessee, in order to get rid of that amendment, withdrew his proposition, and with the withdrawal of the resolution my amendment fell. Immediately afterward the proposition was renewed by him, and the previous question called on it before he took his seat, so that all possibility of amendment was cut off. We all know very well, that if we vote for six weeks longer, and are then unable to elect a Speaker, it would be easy to force the gentlemen whose votes will place Mr. Orr temporarily in the chair, into a supposed necessity which will justify them, though it will not justify any on this side of the House, in continuing the gentleman from South Carolina [Mr. Orr] in that position permanently. I have indeed been told by distinguished men of his own party, and I state, in confirmation of my prediction the other day, that if once put in the chair, they would insure that he could not be ousted, but that he would remain there until the end of the session. After all this contention of words, this apparent hostility in debate, it appears, if the recent vote is a test, that this drama is to close by a coalition between the two par-

ties who are and have been pretending to war against each other—a coalition which is to fill the Speaker's chair with a gentleman acceptable to both of them, and to end this contest by a fusion of parties, who assume to be hostile, but who, recognizing Slavery as the greatest of all other issues, join their exertions to achieve a victory over the party of freedom.

“Mr. Davidson.—Mr. Clerk, the gentleman from Indiana [Mr. Colfax] saw fit to speak to the House and the country of the extraordinary spectacle presented here of the combination between the Democratic and the American or Know Nothing party; and he individualized the instances of the gentleman from Pennsylvania [Mr. Cadwalder] and the honorable gentleman from Georgia [Mr. Cobb], and he observed that there was a collusion between the Democratic party and the Native American or Know Nothing party. I wish to ask that gentleman whether, to-night, he, Black Republican as he is, has not been voting all the time with Mr. Cobb and Mr. Cadwalader against adjournments? If there is collusion on the one side, there is collusion on the other.

“Mr. Colfax.—I will answer the gentleman with great pleasure.

“Mr. Davidson.—I have only ten minutes. The gentleman can get the floor when I have concluded. There is another extraordinary spectacle presented. We find Mr. Banks, of Massachusetts, a member of the Republican party, and a candidate for the speakership, voting on every incidental question of order or otherwise, to add to the number of votes; but when it comes

to the vote for the officer, to preside over deliberations, he has the magnanimity to give himself a half a vote by not voting at all. [Laughter.] That is the position of that gentleman. The gentleman from South Carolina [Mr. Orr] votes on all propositions.

“Mr. Colfax.—I wish to say that I expect to vote with the gentleman from Georgia [Mr. Cobb] on a great many appropriation bills, and a variety of other appropriations involving no principle; but on the organization of this House and questions affecting Slavery, directly or indirectly, I do not intend or expect to vote with that gentleman.”

The measure was thus defeated again, but was revived in another form during the evening by a resolution of Mr. Paine, of North Carolina, to make the Hon. Wm. A. Smith, of that State, the temporary chairman, but this resolution was promptly voted down.

Throughout the whole contest, Mr. Colfax was constantly on the alert, proving himself a formidable antagonist to those who encountered him in debate. He boldly and uncompromisingly maintained the position that as the Republicans held a majority in the House, over the Democrats and “Americans,” they were entitled to the Speaker, and that they meant to have him. This declaration gave great offence, of course, to the Administration party, and aided not a little in cheering the Republicans through the long and trying struggle.

While winning the reputation of a formidable enemy, Mr. Colfax could also show that he was a generous and devoted friend. On the 26th of December, 1855, Mr. A. K. Marshall attempted to injure Mr. Banks’

chances for the speakership by vaguely intimating that he knew of certain acts of Mr. Banks, so damaging to the character of that gentleman as to "prevent any honorable man of any party from continuing to give his vote" for him. Mr. Marshall refused to enter into the details of the charges to which he referred, and confined himself to vague and mysterious insinuations, by which he meant to intimate that Mr. Banks was in the habit of becoming grossly intoxicated in public. Mr. Banks was a personal friend of Mr. Colfax, and the latter, filled with indignation at the, to say the least, very questionable attack of Mr. Marshall, rose and said:

"I think the time of the House could be more profitably spent than in the questioning and cross-questioning that has gone on this morning. The gentleman from Kentucky, and other gentlemen upon this floor, have this morning indulged in some dark and vague insinuations as to the character of the gentleman for whom I have been voting for Speaker upon this floor; but that gentleman on this, as on all other occasions, has triumphantly vindicated himself from the insinuations; like true gold, the more he is rubbed, the brighter he shines. And, sir, all attacks made upon his character, panoplied as he has shown himself to be in an armor of rectitude, will fall harmless upon his unstained escutcheon. Sir, this House is not the place for the investigation of idle rumors of the bar-room. Sir, I might put questions to certain gentlemen upon this floor. All kinds of rumors have been current in this city. I, too, have heard idle rumors, but I have not considered this the place for their investigation,

nor did I consider them worthy of serious consideration, and I have not therefore noticed them."

But the contest, memorable and protracted though it was, at length closed, and the Republican party triumphantly carried to the Speaker's chair the candidate for whom, as the exponent of principles dearer to them than life, they had so bravely struggled; and in the rejoicings which went up from all parts of the North and West over the great victory, no name was mentioned more gratefully for service rendered the good cause, than that of SCHUYLER COLFAX.

After the election of Mr. Banks, the business of the House went on smoothly. The first resolution offered by Mr. Colfax in the regular session, was presented by him on the 28th of February, when, by unanimous consent, and in pursuance of previous notice, he introduced a bill making an appropriation for continuing the improvement of the harbor of refuge and commerce at Michigan City, on Lake Michigan, and for the construction of a breakwater thereat; which was read a first and second time by its title, and referred to the Committee on Commerce. Mr. Colfax had interested himself heartily in this measure, feeling convinced of the necessity for the appropriation, and on the 11th of August, 1856, near the close of the session, he moved that the Committee of the Whole, to whom the Bill, as reported from the Committee on Commerce, had been referred, be discharged from the further consideration of it. Mr. Letcher, of Virginia, objected to this, when Mr. Colfax said:

"I move, then, that the rules be suspended, in order

that the Committee of the Whole may be discharged from the further consideration of this bill, so that it may be put on its passage now. I know debate is not in order, and there is great reluctance to suspend the rules during the closing period of the session for any special bill out of a general class ; but I wish to say this is the only harbor appropriation asked for by the State of Indiana ; that it is strongly recommended as of vital importance as a harbor of refuge by petitions from various important points on the lake ; and that it is indorsed by the joint resolutions of the Indiana Legislature, which I hold in my hand.

“MR. McMULLIN, (of Va.) Is it in order to move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the State of the Union ?

“THE SPEAKER. Not while the motion of the gentleman from Indiana to suspend the rules is pending.

“MR. McMULLIN. I hope the motion will be voted down, and the House will go into Committee on the Appropriation Bills.

“MR. COLFAX. I demand the yeas and nays on the motion to suspend the rules.

“The yeas and nays were ordered.

“The question was taken ; and it was decided in the negative, yeas 110, nays 56.

“So the rules were not suspended, two-thirds not voting in the affirmative.”

Not disheartened, however, Mr. Colfax offered the bill, which failed to pass at this session, again on the 4th of January, 1858. Mr. Smith, of Virginia, objecting,

however, it was thrown out; but on being presented again on the 18th, it was read a first and second time, and referred to the Committee on Commerce, and its author at length had the satisfaction of seeing it passed.

CHAPTER III.

The Troubles in Kansas—History of the Territory—Efforts to Organize it defeated by the South—The Kansas-Nebraska Bill—Its true Character—Repeal of the Missouri Compromise—History of the Measure in Congress—The Efforts of the Free Soil Members defeated—How the Bill was passed—Opening of the Territory—Organization and Outrages of the Border Ruffians—Emigration to the Territory—The War on the Free State Men—History of the Troubles in the Territory—Outrages of the Bogus Government and its Officials—The Sacking of Lawrence—Laws of the Bogus Legislature—Efforts of the Free Soil Men to locate a State Government—The Border War—The Case laid before Congress—Report of the Committee—Noble Speech of Mr. Colfax in behalf of the Free Settlers—The Ball and Chain—Thrilling Scene in the House.

WHEN the Thirty-Fourth Congress assembled, a matter of grave importance was at once presented to it, which was the condition of affairs in the Territories of Kansas and Nebraska. In order to make the necessity for Congressional interference plain to those of our readers who may not be familiar with the occurrences of that day, it will be necessary to present here a brief account of the troubles in Kansas; and in order that the narrative may be complete, it is our purpose to extend it to the admission of Kansas in 1861.

Until the year 1850, the vast region lying between the western and northwestern borders of Missouri and the Rocky Mountains, was called by the general and somewhat indefinite name of "the Platte country," the name being derived from the Platte River, which flows

through the principal part of this section. It was known to be a region of vast fertility, and great mineral wealth. Across it swept the grand trails of the overland route to the Pacific, and the only highway to Utah; and it was believed by those who ventured to look into the future of the country, that this would one day be among the most valuable portions of our territory. At that time, however, the eastern portion of this region was covered by Indian reservations; and these reservations were, by the terms of our treaties with the tribes occupying them, closed against all white settlers.

To the people of the overcrowded Eastern States this fair region seemed a very "Land of Promise," which needed only their energy and industry to become the seat of a mighty empire; and it gradually came to pass that the people of New England and the Middle States determined to colonize this region as soon as it could be legally done.

As early as the first session of the Thirty-Second Congress, petitions were presented to that body for the organization of this region; but they failed to receive any attention until the 13th of December, 1852, when Mr. Hall, of Missouri, presented in the House a bill for the organization of the "Territory of Platte," which embraced the country referred to. It was referred to the Committee on Territories, which, on the 2d of February, 1853, through its chairman, Mr. W. A. Richardson, of Illinois, reported a bill organizing the "Territory of *Nebraska*," covering the same area mentioned in Mr. Hall's bill. This bill was referred

to the Committee of the Whole, where it was opposed by the full strength of the South. The Committee of the Whole reported it to the House, with a recommendation that it be rejected. When it came before the House, Mr. Letcher, of Virginia, moved that it be laid on the table; but his motion was lost on a call of the yeas and nays, and the bill, after being engrossed and read a third time, was finally passed by a vote of 98 to 43, and sent to the Senate.

The bill, as passed by the House, was presented to the Senate on the 11th of February, 1853, and was at once referred to the Committee on Territories. On the 17th of the same month, the chairman of this committee, Senator Douglas, reported it to the Senate without amendment.

It was well known that the measure would meet with the unyielding opposition of the *pro-Slavery* element in the Senate, inasmuch as the new Territory was to be devoted to "free labor," for which alone it was suited. No movement to colonize it had been set on foot, or was even thought of, in the South; but it was well known that nine-tenths of the emigrants would come from the Free States, and would naturally desire to have free institutions in their new homes. Notwithstanding this, however, the *pro-Slavery* men were determined that those who were to bear the brunt of the task of settling the new Territory should be forced to submit to a system they despised; they were determined that the new Territory should be "Slaveholding," or that it should not be organized; so, when Mr. Douglas called up the bill on the 2d of March, 1853,

the last day but one of the session, the Senate refused to consider it by a vote of 20 yeas to 25 nays. He tried to call it up again the next day; but Senator Borland, of Arkansas, moved to lay it on the table, which motion prevailed by a vote of 23 yeas to 17 nays. The session closed the next day; so the bill was lost for the time, and one of the fairest sections of the country allowed to remain a wilderness, through the blind folly of the Slaveholding interest. The only *pro-Slavery* Senators who favored the bill were those from Missouri.*

The subject was revived at the first session of the Thirty-third Congress, by Senator Dodge, of Iowa, who, on the 14th of December, 1853, presented a bill to the Senate, to organize the Territory of Nebraska, the area to be covered being the same as in the other bills. It was referred to the Territorial Committee, and on the 4th of January, 1854, reported to the Senate, with amendments, by Senator Douglas. Judge Douglas had the bill recommitted, and on the 23d of January reported it back to the Senate with some important alterations.

The reader will remember that by the terms of the Missouri Compromise, that part of the territory of the Union lying north of 36 degrees 30 minutes north latitude, was forever closed against the admission of

* Should any reader doubt that there was a preconcerted determination, on the part of the Southern Senators, to oppose the organization of a new Free Territory, let him read the speech of Senator Atchison, of Missouri, on the subject, delivered in the Senate, December 15th, 1852, in which he will find a distinct intimation by the Senator that he was aware of such an arrangement, but had no faith in it.

Slavery, and the faith of the whole country was solemnly pledged to the observance of this compact. The new Territory of Nebraska lay entirely north of this line, and was by the terms of the "Compromise," as well as by Nature, dedicated to free labor. The honor of the nation had been pledged that Slavery should never enter it. The bill reported by Judge Douglas was entirely silent on the subject of repealing the Missouri Compromise, by which course alone Slavery could be admitted to the Territory, and the great mass of the American people never supposed for a moment that any one would ever dare to repeal a law which had done so much to give peace and quiet to the country. They were terribly startled and profoundly shocked, however, when, on the 16th of January, 1854, Senator Dixon, of Kentucky, gave notice that, whenever the Nebraska Bill should be called up, he would move the following amendment :

"SEC. 22. *And be it further enacted*, That so much of the 8th Section of an act approved March 6th, 1820, entitled 'An Act to authorize the people of the Missouri Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit Slavery in certain Territories,' as declares 'That, in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36 degrees 30 minutes north latitude, Slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the party shall have been duly convicted, shall be forever prohibited,' *shall*

not be so construed as to apply to the Territory contemplated by this act, or to any other Territory of the United States ; but that the citizens of the several States or Territories shall be at liberty to take and hold their slaves within any of the Territories or States to be formed therefrom, as if the said act, entitled as aforesaid, had never been passed."

This was a distinct and deliberate *repudiation* of the vital points of the Missouri Compromise. It did not repeal, or attempt to repeal that instrument, but boldly and recklessly *repudiated* it, and it is hard to say who were the most surprised at it, the Democrats or Free Soil men. One of the Democratic papers of Washington at first denounced it as "a Whig device to divide and disorganize the Democratic party." Mr. Dixon was evidently considerably in advance of his party, but it was not long before, unheeding the indignation of the North at this shameless offer to repudiate the plighted honor of the nation, they came up to his support.

In an evil hour for himself and for the country, Senator Douglas decided to embrace in his bill the main features of Mr. Dixon's amendment. This bill, which he reported to the Senate on the 23d of January, 1854, was very different from that which he had originally reported. Instead of providing for the organization of the single Territory of Nebraska, it proposed to divide the region referred to, into *two* Territories. The southern portion, which lay directly west of Missouri, stretching to the Rocky Mountains, on the west, and extending from north latitude 37

degrees, to the southern boundary of Nebraska (40 degrees north latitude), was to be organized into a distinct Territory, to be called Kansas. The remainder was to be called Nebraska, having the line of 43 degrees 30 minutes for its northern boundary.

On the subject of Slavery, the bill contained the following provisions :

“SEC. 21. *And be it further enacted*, That, in order to avoid all misconstruction, it is hereby declared to be the true intent and meaning of this act, so far as the question of Slavery is concerned, to carry into practical operation the following propositions and principles, *established by the Compromise measures of one thousand eight hundred and fifty*, to wit :

“First. That all questions pertaining to Slavery in the Territories, and in the new States to be formed therefrom, are to be left to the decision of the people residing therein, through their appropriate representatives.

“Second. That all cases involving title to Slaves, and questions of personal freedom, are referred to the adjudication of the local tribunals, with the right of appeal to the Supreme Court of the United States.

“Third. That the provisions of the Constitution and laws of the United States, in respect to fugitives from service, are to be carried into faithful execution in all the ‘organized Territories,’ the same as in the States.”

The section which prescribed the qualifications and mode of election of a delegate from each of the Territories to Congress, read originally as follows :

"The Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States."

The new bill contained the following important amendment, which was tacked on to the clause given above.

"Except the section of the act preparatory to the admission of Missouri into the Union, approved March 6th 1820, which was superseded by the principles of the Legislation of 1850, commonly called the Compromise measures, and is declared inoperative."

Mr. Dixon declared that the bill in its amended form met with his hearty approval, and that he would support it with all his ability. The bill came before the Senate for discussion on the 24th. It was opposed by all the Free Soil Senators, and supported by the *pro-Slavery* Senators. The debate lasted several weeks, and was one of the ablest ever heard in the Senate.

On the 6th of February, Mr. Chase, of Ohio, moved to strike out so much of the bill as declares the Missouri Compromise "superseded" by the Compromise of 1850, but the motion was defeated by a vote of 30 nays to 13 yeas. Whereupon, Mr. Douglas, on the 15th of February, moved to strike out the clause objected to by Mr. Chase, and insert the following:

"Which being inconsistent with the principle of non-intervention by Congress with Slavery in the States and Territories, as recognized by the legislation of 1850 (commonly called the Compromise measures),

is hereby declared inoperative and void ; it being the true intent and meaning of this act not to legislate Slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

This amendment was promptly adopted, by a vote of 35 yeas to 10 nays. On its face the amendment seemed fair enough, but its hollowness was exposed by Judge Chase, who proposed to add this clause to it on the 2d of March :

• "*Under which the people of the Territories, through their appropriate representatives, may, if they see fit, prohibit the existence of Slavery therein.*"

The amendment was promptly voted down by 36 nays to 10 yeas, the Senate thus deliberately voting that the people of the Territory *should not* exercise a right which they had guaranteed them in Mr. Douglas' amendment given above.

The bill, after some further amendments in the interest of Slavery, was passed at a late hour on the night of the 3d of March, by a vote of yeas 37, nays 14, and sent to the House.

Mr. Richardson, Chairman of the Committee on Territories, had reported a bill in the House on the 31st of January, which was very nearly a copy of that reported by Mr. Douglas in the Senate, but this was not taken up by the House until the 8th of May, and then only to enable the friends of the measure to move the Senate bill as amendment to it. The manner in

which this bill was passed, is thus graphically described by Mr. Greeley :

“There was a violent struggle in the House for and against closing the debate on this measure, and it was finally agreed that said debate should terminate on Saturday (May 20th). And now Mr. Alexander H. Stephens, of Georgia, originated, and was enabled to execute a parliamentary manœuvre, which, if recognized as legitimate, must prove an important aid to party despotism, and a screen to vicious legislation through all future time. The right of a majority to prescribe a reasonable limit to discussion—to afford fair opportunity for debate, but insist that it shall close after a definite, and not too distant day and hour—has become a part of our parliamentary law. But the right of a minority to seek to improve what it deems a vicious and mistaken measure—to soften, if it may, objectionable features which it is unable wholly to remove—is still sacred ; and it has accordingly been established, after much experience of the evils of the opposite rule, that even a vote of the House, enforcing the Previous Question on a reluctant, struggling minority, does not cut off amendments which may have already been proposed, but only arrests debate, and brings the House to vote successively on all the propositions legitimately before it, including, it may be, the engrossment of the bill. But Mr. Stephens, when the hour for closing the debate in Committee had arrived, moved *that the enacting clause of the bill be stricken out*, which was carried by a pre-concerted and uncounteracted rally of the unflinching

friends of the measure. Of course, all pending amendments were thus disposed of, the bill being reported as dead. Having thus got the bill out of Committee, and before the House, Messrs. Stephens & Co. voted *not to agree to the report of the Committee of the Whole*, thus bringing the House to an immediate vote on the engrossment of the bill. Mr. Richardson now moved an amendment in the nature of a substitute (being, in effect, the Senate's bill), and thereupon called the previous question, which was seconded: yeas, 116, nays, 90; when his amendment was adopted—yeas, 115; nays, 95—the bill ordered to be engrossed, yeas, 112; nays, 99—the previous question again ordered and sustained, and the bill finally passed, yeas, 113, nays, 100. Thus the opponents of the measure in the House were precluded from proposing any amendments or modifications whatever, when it is morally certain, that had they been permitted to do so, some such amendment as Governor Chase's or Mr. English's would have been carried.

“The Free States contributed 44 votes—all cast by Democrats—to the support of this measure. From the Slave States, 12 Whigs and 57 Democrats sustained it. Against it were 91 members from the Free States, of whom 44 were chosen as Whigs, 3 as “Free Soil” proper, and 44 as Democrats. So, that precisely as many Democrats from Free States voted for, as against the final passage of the Nebraska bill. Only 9 members from the Slave States opposed it, of whom but two had been regarded as Democrats; and of these Colonel Benton was not so regarded thereafter. Of

the Whigs who so voted, but two were returned to the next House.

"The bill had thus passed the House in form, as an original measure of that body, although it was in essence the amended Senate bill. Being sent to the Senate as such, an attempt to amend it was voted down, and the bill ordered to be engrossed by 35 yeas to 13 nays. It was immediately passed, and being approved by President Pierce, became a law of the land."*

Thus the issue was joined in the Territories. The Missouri Compromise had settled the vexed question of Slavery in the Territories, by positively prohibiting it in Kansas and Nebraska, but the Thirty-Third Congress, by repealing that instrument, had opened the door to a bloody and bitter conflict between Slavery and Free Labor. The events now to be related were the logical consequences of that repeal, and upon the heads of those who voted for the Nebraska-Kansas Bill, must forever rest the responsibility for the troubles that followed it.

A few months before the final passage of the Kansas-Nebraska Bill, the Government succeeded in forming treaties with the Indians, by which they were removed from the Eastern frontiers of those Territories, and sent farther West. This at once threw open this section to white settlers, and measures were set on foot in New England to encourage emigration thither. Before these measures could amount to anything, however, the Missourians living on the Kansas border

* Greeley's American Conflict, Vol. I., pp. 233; 234.

passed over into the Territory, and selecting the best lands put their mark upon them, by which they hoped to establish a pre-emption claim to them. Their object was to hold and organize the Territory in the interest of Slavery, and they were not particular as to the manner in which they did it. Very few of them pretended to settle on the lands they claimed, but the majority returned to their homes in Missouri, where they organized themselves into Societies called "Blue Lodges," "Social Bands," "Sons of the South," &c., the objects of which may be seen from the following resolutions passed at one of their meetings:

"Resolved, That we will afford protection to no Abolitionist as a settler of this Territory.

"Resolved, That we recognize the institution of Slavery as already existing in this Territory, and advise Slaveholders to introduce their property as early as possible."

Soon after the passage of these resolves, it became known in Kansas that large parties of emigrants were coming there from New England to settle the Territory, and make it a Free State. Very few Southern men had responded favorably to the invitation "to introduce their property as soon as possible," and there was every reason to believe that if the laws were peaceably observed and perfect fairness shown, the New Englanders would be successful in their undertaking. The news roused the Missourians of the Border into a fury. Early in July, 1844, a meeting was held at Westport, in that State, at which it was resolved,

“That this Association will, whenever called upon by any of the citizens of Kansas Territory, hold itself in readiness together to resist and remove any and all emigrants who go there under the auspices of the Northern Emigrant Aid Societies.”

“That we recommend to the citizens of other Counties, particularly those bordering on Kansas Territory, to adopt regulations similar to those of this association, and to indicate their readiness to co-operate in the objects of this first resolution.”

Meanwhile the New England Aid Societies persevered in their work, and by the middle of July, the first party sent out by them, about thirty in number, reached a point on the Kaw River, where they pitched their tents, and determined to establish a city. They named their new home *Lawrence*, in honor of Amos A. Lawrence, of Boston, the treasurer of the Society. By the last of the month they were joined by about seventy more emigrants, and the work of clearing up the land and building their houses was fairly entered upon. There was not a drone in the little community. They were all honest, energetic, intelligent, God-fearing people, and they meant to succeed in the undertaking before them. They had taken legal and peaceable possession of their settlement, and thus far had molested or wronged no one.

They were not to live in peace, however. Before they had finished building their houses, they were startled by the announcement that two hundred and fifty armed Missourians had encamped within a short distance from them for the purpose of driving them out

of the Territory. The next morning the Missourians sent them a formal notice that "the Abolitionists must leave the Territory, never more to return to it." The Border Ruffians were loud in the expressions of their desire to avoid bloodshed, but notified the settlers that they must be ready to leave the Territory, with all their effects, at one o'clock that day. This the settlers firmly but civilly refused to do, and quietly but quickly organized themselves into a military company, and prepared to maintain their right to their new home by force of arms. The messengers of the Border Ruffians found them drilling behind their tents, and reported this fact to their leaders. Doubtless the quiet, but determined attitude of the New Englanders impressed the Missourians with the idea that they would be dangerous enemies to encounter, for the latter that night broke up their camp and withdrew, leaving the settlers unmolested. Meanwhile the town of Lawrence grew and prospered, and the New England Societies continuing to send emigrants to the Territory, other places were settled.

In carrying out the provisions of the bill for the organization of Kansas Territory, President Pierce appointed Andrew H. Reeder, of Pennsylvania, a Democrat, Governor of the Territory. Of the other Territorial officers appointed by the President, a majority was from the Slave-holding States, and one of these officials carried a large number of slaves with him into the Territory. Governor Reeder proceeded to the task of establishing the Territorial Government, and about the last of November, 1854, an election was

held for the purpose of choosing a delegate to Congress. The Territory at that time contained less than two thousand legal voters—counting all the adult white male residents—but the vote cast amounted to 2,871 ballots. Of these only 1,114 were found upon investigation to be legal. The remainder 1,729 were cast by citizens of Missouri. As an instance of this, at “*Poll No. 110*,” 604 votes were cast. Of these 20 were legal, and 584 illegal. By such means John W. Whitfield, who had been an Indian Agent, and who was the “Missouri Candidate” was returned to Congress.

In the Spring of 1855, Governor Reeder caused a census of the Territory to be taken. It was found that the population numbered 8,501 souls, of which number 2915 were legal voters, and 242 slaves. As soon as the result of the census was made known, the Governor ordered an election for the first Territorial Legislature, which took place on the 30th of March.

“All of Border Missouri was on hand,” says Mr. Greeley, “and the invaders had been so nicely apportioned and directed to the several districts and polls that they elected all the members, with a single exception, in either House—the two Free Soilers being chosen from a remote inland district which the Missourians had overlooked or did not care to reach. Although but 831 legal electors voted, there were no less than 6,320 votes polled. Even at Lawrence, where there were but 369 votes in all, and not half a dozen of them pro-Slavery, the vote returned was—pro-Slavery 781;

Free State 253. At Marysville, where there were but 24 legal voters, 328 votes were returned, all pro-Slavery. There was no disguise, no pretence of legality, no regard for decency. On the evening before and the morning of the day of election, nearly a thousand Missourians arrived at Lawrence, on horseback and in wagons, well armed with rifles, pistols, and bowie-knives, and two pieces of cannon loaded with musket-balls. They had tents, music, and flags, and encamped in a ravine near the town. They held a meeting the night before the election at the tent of Claiborne F. Jackson. Finding that they had more men than were needed to carry the Lawrence districts, they despatched companies of one or two hundred each to two other districts. Meeting one of the judges of election before the poll opened, they questioned him as to his intended course, and, learning that he would insist on the oath of residence, they first attempted to bribe and then threatened to hang him. In consequence of this threat, he failed to appear at the poll, and a Missourian was appointed in his place. One of the remaining judges, refusing to receive Missouri votes, resigned under duress, and was replaced by another who made no objection. One Missourian voted for himself, and then for his son, ten or eleven years old. Three of those they thus elected to the Legislature were residents of Missouri at the time. These details might be continued indefinitely, but it is needless. The Missourians voted at other polls with less circumspection, easily driving off all who objected to their proceedings, and then doing as they pleased.”*

* The American Conflict,—p. 238.

The press of the Missouri border generally sustained these outrages, and even boasted of them. The *Parkeville Luminary*, published in Platte County, Missouri, was the only journal that dared to say anything in behalf of the Free State men and their legal rights, and even this journal did so in the most careful and guarded language; but it paid dear for its temerity. On the 14th of April, 1855, its office was mobbed and destroyed, together with all its contents, by the Border Ruffians, and the editor was compelled to seek safety in flight.

Six districts promptly forwarded to the Governor protests against the elections, accompanied by overwhelming proofs of the outrages that had been practised by the Missourians. The Governor, who seems to have decided to do justice to all parties, at once ordered a new election in these districts, each of which, except at Leavenworth, which is right on the Missouri border, returned a Free Soil delegate. Leavenworth was carried again by the Missourians. The election was really a mere farce; for the Legislature refused to admit the Free Soil members just referred to, and gave their seats to the pro-slavery delegates chosen at the first election.

This was not all. William Phillips, a Free State lawyer, of Leavenworth, and one of the signers of the protest sent from that place to the Governor, was kidnapped by a party of the Border Ruffians, and taken to Weston, Missouri, eight miles distant, where they tarred and feathered him, rode him on a rail, and finally sold him at auction to a negro, whom they compelled to buy him.

The Governor had called the Legislature to meet at Pawnee City, on the Kansas River, a town nearly a hundred miles west from the border, and to some extent out of the reach of Missouri influences. Upon assembling, however, the members at once passed a resolution to adjourn to Shawnee Mission, a place directly on the Missouri border. The measure was vetoed by the Governor, but passed over his veto, and was carried into effect at once. Upon reassembling at Shawnee Mission it proceeded to adopt the laws of Missouri as laws of Kansas. Other acts were passed for the protection and maintenance of Slavery, so cruel and despotic in their character as to be more than usually obnoxious to the Free State men and their friends at the North. The following may be taken as specimens :

"Be it enacted by the Governor and Legislative Assembly of Kansas, That every person, bond or free, who shall be convicted of raising a rebellion or insurrection of slaves, free negroes, or mulattoes, in this Territory, shall suffer death.

"SEC. 2. Every free person, who shall aid or assist in any rebellion or insurrection of slaves, free negroes, or mulattoes, or shall furnish arms, or do any other act in furtherance of such rebellion, shall suffer death.

"SEC. 3. If any free person shall, by speaking, writing, or printing, advise, persuade, or induce, any slaves to rebel, conspire against, or murder, any citizen of the Territory, or shall bring into, print, write, publish, or circulate, or cause to be brought into, written,

printed, published, or circulated, or shall knowingly aid or assist in the bringing into, printing, writing, publishing, or circulating, in the Territory, any book, paper, magazine, pamphlet, or circular, for the purpose of inciting insurrection, rebellion, revolt, or conspiracy, on the part of the slaves, free negroes, or mulattoes, against the citizens of the Territory, or any part of them, such person shall suffer death.

"SEC. 4. If any person shall entice, decoy, or carry away, out of this Territory, any slave belonging to another, with the intent to deprive the owner thereof of the services of such slave, he shall be adjudged guilty of grand larceny, and on conviction thereof shall suffer death, or be imprisoned at hard labor for not less than ten years.

"SEC. 5. If any person shall aid or assist in enticing, decoying, or persuading, or carrying away, or sending out of this Territory, any slave belonging to another, with the intent to procure or effect the freedom of such slave, or deprive the owners thereof of the services of such slave, he shall be adjudged guilty of grand larceny, and, on conviction thereof, shall suffer death, or be imprisoned at hard labor for not less than ten years.

* * * * *

"SEC. 12. If any free person, by speaking or writing, shall assert or maintain that persons have not the right to hold slaves in this Territory, or shall introduce into this Territory, print, publish, write, circulate, or cause to be introduced into the Territory, or written, printed, published, and circulated in this

Territory, any book, paper, magazine, pamphlet, or circular, containing any denial of the right of persons to hold slaves in this Territory, such person shall be deemed guilty of *felony*, and punished by imprisonment at hard labor for a term of not less than two years.

"SEC. 13. No person who is conscientiously opposed to holding slaves, or who does not admit the right to hold slaves in this Territory, shall sit as a juror on the trial of any prosecution for any violation of any of the sections of this act."

Governor Reeder vetoed these and the other acts of this Legislature; and finally made himself so unpopular with that body that the members petitioned the President to remove him. This was accordingly done, and Wilson Shannon, of Ohio, was appointed in his stead. This gentleman was in full accord with the Border Ruffians.

Meanwhile the New England and other Free Soil men had come into the Territory quietly, but steadily, until they far outnumbered the *pro*-Slavery settlers. They now determined not to submit any longer to the outrages of the Border Ruffians. On the 5th of September, 1854, they held a Convention at Big Springs, and passed a series of resolutions repudiating the bogus government and laws forced upon them by the Border Ruffians, and announced their determination not to vote for them, and avowed their intention to refrain from voting for the Delegate to Congress, at the election ordered by the so-called Legislature, which was to take place on the 1st of October. They called upon the people of the Territory to send delegates to a Con-

vention to be held at Topeka on the 19th of September. This Convention met at the time appointed, organized an Executive Committee for the Territory, and ordered an election for Delegate to Congress to be held on the second Tuesday in October. Governor Reeder received the nomination to Congress, and was elected; as was Mr. Whitfield, the *pro*-Slavery candidate at the Border Ruffian election on the 1st of October.

On the 23d of October, a Convention chosen by the Free State men, met at Topeka, and framed a Free State Constitution, which they forwarded to the National Congress with their petition for admission into the Union, under it.

This was the situation of affairs in Kansas when the Thirty-Fourth Congress assembled; but before proceeding to show the action of that body on the subject, it will be interesting to notice briefly the events that followed in the Territory.

As we have already said, the repeal of the Missouri Compromise opened the way for, and was the direct cause of, the conflict between the Free and *pro*-Slavery settlers of Kansas. The outrages of the *pro*-Slavery men had forced the Free Soilers into an attitude of direct and uncompromising resistance; and after the action of the latter at Topeka, the struggle which had hitherto been comparatively bloodless, changed its character, and became an open and sanguinary war between the two parties.

On the 21st of November, 1855, William Dow, a Free Soiler, was shot dead in cold blood by one of his

pro-Slavery neighbors, who was accompanied at the time by three armed men. The act was unprovoked on the part of Dow, and was witnessed by several persons who made no effort to apprehend the murderer—one Coleman, by name. Coleman escaped to Missouri, but afterwards returned to Shawnee Mission and surrendered himself to Governor Shannon, who allowed him to go at large. The body of his victim lay for several hours in the road where it had fallen; but late that evening, Jacob Branson, a Free State man, with whom the murdered man had boarded, secured it and buried it. A meeting of the Free State men was held several days later at Hickory Point, at which the assassination and its authors were denounced, and measures set on foot to bring all parties connected with it to justice. This meeting was made the excuse for further outrages by the Border Ruffians. One of the men who had been concerned in the murder of Dow, obtained a warrant for the arrest of Branson, upon the pretext that the latter had threatened his life. A posse was organized and placed in the charge of the *pro*-Slavery sheriff of Douglas county, numbering among others two of the men who had aided and abetted the murder of Dow. Branson was taken from his bed, and carried off by the bogus sheriff, who avowed his intention to take him to Lawrence for examination. The Free State men of the neighborhood, hearing of the arrest of Branson, who had been guiltless of any crime, and having good reason to be apprehensive for his safety, rallied and rescued him from his captors. No blows were struck, but the firmness and determination of the

Free Soilers so impressed the Border Ruffians that they made no effort to retain Branson in their custody. Branson and his friends repaired to Lawrence, which city the irate sheriff declared he would "wipe out." Returning to Shawnee Mission, he induced the Governor to call out three thousand militia to aid him in overcoming "the resistance of the Free State men to the execution of the laws." The Governor at once called for troops, and volunteers poured in from Missouri. A small army was raised, and this force, headed by the Governor, marched on Lawrence, and encamped before the town. The Free State men made ready to defend themselves in case of attack; but the danger was averted by an agreement between the Governor and the Free Soil leaders in the town, which for a while gave peace to the Territory.

Matters grew worse the next spring, however. Bands of young men, armed and regularly organized into companies and regiments, came into the Territory from South Carolina, Georgia, and the extreme Southern States, with the avowed design of making Kansas a Slave State at all hazards. They were guilty of many outrages upon the Free State men; but their crowning outrage was perpetrated on the morning of the 21st of May, 1856, when, under the pretext of aiding the United States Marshal to serve certain processes upon citizens of that place, they captured the town of Lawrence, sacked it, burned several houses, and damaged it to the extent of \$150,000. From this time the war went on in a series of desultory but bloody encounters, some of which assumed the proportions of

regular battles. The power and influence of the Federal Government and its troops were cast in favor of the *pro*-Slavery men, and every effort of the Free Soilers met from them a firm repulse. The war went on until the steady increase of the Free Soilers made them too formidable to be trifled with or imposed upon by the *pro*-Slavery men, whose members, from various causes, decreased as rapidly as their opponents multiplied. Then, and not till then, the unhappy Territory had peace. Several efforts were made to secure the admission of Kansas as a Free State, but they met with the opposition of the Administration of Mr. Buchanan. The Democrats were perfectly willing to admit the Territory as a Slave State, but, although they knew that four-fifths of the inhabitants were Free Soilers, they refused to allow them a Free Constitution; and it was not until the 21st of January, 1861, after the Southern members had withdrawn from the two Houses of Congress, that the bill admitting Free Kansas into the Union was passed by the Senate. A week later it passed the House, and the long struggle was ended.

When the Thirty-Fourth Congress had been organized by the election of Mr. Banks as Speaker, one of the first things that was taken into consideration by the House, was the condition of affairs in Kansas. On the 19th of March, 1856, the House resolved, by a vote of 101 yeas to 93 nays, to send a Special Committee to Kansas to inquire into the origin and nature of the troubles existing there, and to investigate the merits of the claims of the rival delegates from that

Territory.* The Speaker appointed Messrs. William A. Howard, of Michigan, John Sherman, of Ohio, and Mordecai Oliver, of Missouri, as the Committee. These gentlemen at once repaired to Kansas, where they remained several weeks taking testimony, and making a searching investigation into the matters before them. Upon their return, the majority gave the result of their labors, in an able report, closing with the following conclusions :

“*First* : That each election in the Territory, held under the organic or alleged Territorial law, has been carried by organized invasions from the State of Missouri, by which the people of the Territory have been prevented from exercising the rights secured to them by the organic law.

“*Second* : That the alleged Territorial Legislature was an illegally constituted body, and had no power to pass valid laws ; and their enactments are, therefore, null and void.

“*Third* : That these alleged laws have not, as a general thing, been used to protect persons and property, and to punish wrong, but for unlawful purposes.

“*Fourth* : That the election under which the sitting delegate, John W. Whitfield, holds his seat, was not held in pursuance of any valid law, and that it should be regarded only as the expression of the choice of those resident citizens who voted for him.

“*Fifth* : That the election under which the contest-

* Whitfield had been admitted to his seat in Congress, and Governor Reeder was at that time contesting it. The former retained it throughout the session.

ing delegate, Andrew H. Reeder, claims his seat, was not held in pursuance of law, and that it should be regarded only as the expression of the choice of the resident citizens who voted for him.

“*Sixth* : That Andrew H. Reeder received a greater number of votes of resident citizens than John W. Whitfield, for Delegate.

“*Seventh* : That, in the present condition of the Territory, a fair election cannot be held without a new census, a stringent and well-guarded election law, the selection of impartial judges, and the presence of United States troops at every place of election.

“*Eighth* : That the various elections held by the people of the Territory preliminary to the formation of the State Government, have been as regular as the disturbed condition of the Territory would allow; and that the Constitution framed by the Convention, held in pursuance of said elections, embodies the will of a majority of the people.”

Mr. Colfax had from the first taken a deep interest in the struggles of the Free Soilers of Kansas, and he resolved that no effort on his part should be wanting in their behalf. He took an active part in the debate connected with the resolutions to investigate the affairs in that Territory, taking his stand firmly in favor of strict and impartial justice to all parties. On the 21st of June, 1856, from his place in the House, he delivered his famous speech “on the laws of Kansas.” It was an eloquent and vigorous elucidation of the disputed question, and a powerful denunciation of the infamous statutes by which the Border Ruffians sought

to destroy the freedom of the new Territory.* The very calmness and simplicity of his language and demeanor added to their force. He was listened to with marked attention by the Administration party as well as by his own friends, and when he came to notice that part of the laws of Kansas which *inflicted imprisonment at hard labor, with ball and chain*, upon any one who should ever *say* that persons have not the right to hold slaves in this Territory, he exclaimed, "And this penalty, revolting, humiliating, debasing as it is, subjecting a free American citizen to the public sneers and contumely of his oppressors, far worse than within the prison walls where the degradation of the punishment is relieved by its privacy, is to be borne from two to five long years by the men of Indiana and Ohio, of New England and New York, of Pennsylvania and the far West, who dare in Kansas to declare by speech, or in print, or to introduce therein a handbill or paper, which declares that 'persons have not the right to hold slaves in this Territory.' The chain and ball are to be attached to the ankle of each, and they are to drag out their long penalty for exercising their God-given and Constitutionally protected freedom of speech, manacled together in couples, and working in the public gaze, under task-masters, to whom Algerine slaveholders would be preferable.

"Sir, as this is one of the laws which the Democratic party, by its platform, has resolved to enforce, and which the President of the United States intends to execute, if needs be, with the whole armed force of

* See Appendix, II. for this Speech.

the United States, I have procured a specimen of the size of the iron ball which is to be used in that Territory under this enactment, and only regret that I cannot exhibit also the iron chain, six feet in length, which is to be dragged with it through the hot summer months, and the cold wintry snows, by the Free State 'convicts' in Kansas."

As he spoke, he lifted from his desk an iron ball six inches in diameter, and weighing about thirty pounds, and held it up to the gaze of the House. Mr. Alexander H. Stephens, of Georgia, who sat near by, asked Mr. Colfax to permit him to examine it, and, having satisfied himself as to its weight, was about to return it, when Mr. Colfax smilingly asked him to keep it; and with the ball in the hands of the great *pro-Slavery* leader, he went on to show that if Washington, Jefferson, and other great men of the country were living, their honest utterances, if spoken in Kansas, would subject them to the infamy of the chain-gang.

"Hurry them, Judge Lecompte, to the chain-gang," he cried in indignant tones, which rang clear and unfaltering through the hall; "and as they commence their years of disgraceful and degrading punishment, forget not to read them from the Nebraska Bill that 'its true intent and meaning' is to leave the people thereof perfectly free (not only free, but PERFECTLY free) to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

As he closed his speech, his voice rang out clear and unfaltering in the following noble peroration:

“As I look, sir, to the smiling valleys and fertile plains of Kansas, and witness there the sorrowful scenes of civil war, in which, when forbearance at last ceased to be a virtue, the Free Soil men of the Territory felt it necessary, deserted as they were by their Government, to defend their lives, their families, their property, and their hearth-stones, the language of one of the noblest statesmen of the age, uttered six years ago at the other end of this Capitol, rises before my mind—I allude to the great Statesman of Kentucky, Henry Clay. And while the party, which, while he lived, lit the torch of slander at every avenue of his private life, and libelled him before the American people by every epithet that renders man infamous, as a gambler, debauchee, traitor, enemy of his country, are now engaged in shedding fictitious tears over his grave, and appealing to his old supporters to aid by their votes in shielding them from the indignation of an uprisen people, I ask them to read this language of his, which comes to us as from his tomb to-day. With the change of but a single geographical word in place of ‘Mexico,’ how prophetically does it apply to the scenes and issues of this year! And who can doubt with what party he would stand in the coming campaign, if he were restored to us from the damps of the grave, when they read the following, which fell from his lips in 1850, and with which, thanking the House for its attention, I conclude my remarks :

“‘ But if, unhappily, we should be involved in war, in civil war, between the two parties of this Confederacy, in which the effort upon the one side should be

to restrain the introduction of Slavery into the new Territories, and upon the other to force its introduction there, what a spectacle should we present to the astonishment of mankind, in an effort not to propagate rights, but—I must say it, though I trust it will be understood to be said with no design to excite feeling—a war to propagate wrongs in the Territories thus acquired from Mexico! It would be a war in which we should have no sympathies, no good wishes—in which all mankind would be against us; for, from the commencement of the Revolution down to the present time, we have constantly reproached our British ancestors for the introduction of Slavery into this country.’”

This speech made a marked impression upon the House and upon the country, and in the Presidential campaign of that year, five hundred thousand copies were printed and distributed at the expense of the Republican party. Such a compliment, and one so well deserved, had never been paid to so young a member of the House.

Thus closed Mr. Colfax’s first Session in Congress. He had proved himself one of the ablest and most valuable members of that body, and his Constituents were more than satisfied with him. He was renominated with enthusiasm, while he was still in Washington, and reelected by a majority of 1036 over Mr. Stuart, his Democratic competitor.

CHAPTER IV.

Meeting of the 34th Congress—The Tariff Question—Mr. Colfax's Speech on Free Sugar—Memorial of the Indiana Legislature—Debate on the Subject—Case of Mr. Simonton—Bold Appeal of Mr. Colfax for the Rights of a Citizen—His Consistency—Care for the Officials of the House—The Presidential Campaign of 1856—Mr. Colfax predicts the Defeat of Fremont, but supports him—Eulogy on Senator Bell—Speech on the Mormon Question—Declares himself in favor of enforcing the Neutrality Laws—Appeal in Behalf of the Veterans of the War of 1812—Denounces the Washington Police—The Election Law of the City of Washington—Proposes to abolish the Franking Privilege—Mr. Colfax delivers his second Great Speech on Kansas—Eloquent Peroration—Efforts in behalf of the Indians—Efforts for Reform in the Post Office Department—Resolution to protect Commodore Paulding—Opposes the Extravagance of Congress—Defeats the Measure to give all the Printing to the Democrats—Defence of the State of Indiana.

IN the Third Session of the Thirty-Fourth Congress, which met on the 1st of December, 1856, Mr. Colfax fully sustained the reputation he had won in the preceeding Session.

On the 14th of January he introduced a bill for the abolition of the duty on sugar, which had been levied by a preceding Congress in the interest of the sugar planters of the South. The bill was read a first and second time, and referred to the Committee of Ways and Means. The measure was ably debated in the Committee of the Whole, and on the 6th of February, 1857, Mr. Colfax, in an able and interesting speech, expressed his views at length upon it. He

spoke in favor of *free* sugar, and, while thanking the majority of the Ways and Means Committee for allowing him to argue for the sugar consumers before them while preparing their tariff, and for the reduction they proposed to ten per cent., urged that the change should be not a partial, but an entire one, by making it free, as tea and coffee already were. He contended that the sugar duty was not needed for revenue purposes, the Treasury being already overflowing; and that, as a practical experiment, having been tried for sixty years, it had utterly failed, the crop having virtually run out. He argued that one eighth of the whole tariff receipts last year were collected from sugar and molasses, making twenty-five millions of consumers pay a tax as needless as oppressive; that the total home product was not one sixth of the consumption; that New Orleans itself imported twenty-five million pounds of foreign sugar last year, and Baltimore forty-three millions; that the whole crop of the country was insufficient to supply the farmers of the Mississippi valley alone, leaving the remainder of the whole country to draw their supply from abroad; that more duty had been paid on imported sugar last year, than the whole amount raised in this country would have cost at Havana, and that it would therefore have been a saving to have repealed the tax, and given the whole amount as a bounty to the sugar planters, to consent to the repeal; that if the Chinese sugar cane recently introduced, proved half as valuable as is claimed for it, sugar would not need protection any more than corn or cord-wood. He expressed the opinion that if the

question of free sugar was submitted to the voters of every congressional district in the Union, not twenty out of the two hundred and thirty-four would vote No.*

On the 12th of the same month, as an additional argument in favor of the position he had taken, he presented to the House a joint resolution of the Legislature of Indiana upon the subject, setting forth views similar to those he had expressed. The Committee of the Whole, however, indicated their determination not to place sugar on the free list, and on the 20th of February, Mr. Colfax offered as a compromise, a resolution, "That from and after the 1st day of July, 1857, the duty on imported brown sugar shall be one and a half cent per pound; and on white and loaf sugar, two cents per pound." He said:

"The Committee of the Whole, when it was last in session, indicated its determination not to place sugar on the free list. I regretted this conclusion of the members of the House, but I do not rise to quarrel with the Committee as to a matter of detail which they have definitely decided.

"But, if I understood the argument of the gentleman from Louisiana [Mr. Eustis], who last addressed the Committee, he stated to the Committee distinctly, that, when sugar was at a high price, the sugar-planters of Louisiana did not need or desire protection, and then the gentleman from New York [Mr. Wake-man] asked why the duty upon it was not remitted on the ground taken by the sugar-planters—that they do

* The reader will find this interesting speech at the close of the volume. See Appendix, III.

not need protection when sugar is high in price, and only need protection when the price is low? I offer this proposition as a compromise. It is based upon the prices when the tariff of 1846 was passed—when brown sugar commanded five cents per pound. Thirty per cent. was the rate of duty prescribed by that tariff, and thirty per cent. levied on the prices of 1846 would make exactly one cent and a half per pound duty. I think that that is reasonable, because when sugar is high, as it is now, there is conceded to be no necessity to tax the consumer, and when it is low, that measure of protection will be both efficient and valuable to them. The object proposed by the Committee of Ways and Means is to deplete the Treasury; and here is a boon to the public at large which will diminish the excessive revenue now received, three and a half millions of dollars per year, on a single item, without having any interest in the land. It is also in accordance with the precedents of former legislation. In 1789, the first tariff adopted by our Government levied a duty of one cent per pound on brown sugar. Specific duties were also levied in 1790, 1795, 1797, and in 1800, increasing at last to two and a half cents per pound on all grades of brown sugar, and on loaf to five cents per pound. In 1846, the duties still stood at two and a half cents per pound on all importations of brown sugar, when the tariff of that year *reduced* it, as they supposed, to thirty per cent. *ad valorem*, the effect of which, however, has been, by the increase of price, to increase the duty over the amount then sought to be lowered. I propose, therefore, to reduce the

burden now imposed on the consumers of sugar one half, by changing the tariff upon it from an *ad valorem* rate, which increases its cost now three cents per pound, to a specific duty of one cent and a half per pound on brown, and two cents on loaf, based on the prices in force when the present thirty per cent. duty was imposed—to reduce the revenue as much as two-thirds of the whole assortment of free articles recommended by the Ways and Means Committee, and at the same time work no injury to any interest in the Union.”

The compromise was rejected, however, and the duties on sugar were made protective again.

On the 21st of January, 1857, a select Committee of the House, which had been appointed to investigate certain charges of bribery and corruption which had been brought against certain members of the House, reported that one of the witnesses, James W. Simonton, correspondent of the New York Times, had refused to testify in answer to certain questions propounded to him by the Committee, and had thereby acted in contempt of the authority of the House. The Committee asked that “the Speaker issue his warrant, directed to the Sergeant-at-Arms, commanding him (the said Sergeant-at-Arms) to take into custody the body of the said James W. Simonton, wherever to be found, and the same forthwith to have before the said House, at the bar thereof, to answer as for a contempt of the authority of this House.” This resolution passed the House by a vote of 164 yeas to 16 nays, receiving, among others, the vote of Mr. Colfax.

Some debate then ensued as to what disposition

should be made of the witness in case he persisted in refusing to testify before the Committee. Mr. Cobb, of Georgia, was in favor of confining him in the jail of the District of Columbia for a period not exceeding six months. In the course of the debate, Mr. Davis, of Maryland, said :

“ We must dispose of the prisoner in some way. He is before this House in a position analogous to a person before a Court by process of attachment when it is alleged the witness has been guilty of contempt. The next step, when the witness has been brought in, is that he be called on to show cause why he should not be committed for the contempt which is alleged. I therefore propose the following resolution :

“ ‘ *Resolved*, That the Speaker do call on the person in custody to show cause why he should not be committed for his refusal to answer the questions propounded by the Select Committee in the report of the said Committee; and that he have until to-morrow morning to make said answer; and that in the meantime he remain in the custody of the Sergeant-at-Arms.’ ”

Ever zealous for the protection and rights of his fellow citizens, as well as for those of the body of which he was a member, Mr. Colfax was determined that, so far as he was concerned, the recusant witness should have the full benefit of every right guaranteed him by the Constitution and laws, and so, rising in his place he said :

“ I agree with the gentleman from Maryland [Mr. Davis] in one thing ; and that is, that the witness, hav-

ing stated that there were members of this House who had approached him with propositions for the sale of their votes, should have answered the questions propounded to him by the Select Committee. But he is an American citizen. *He stands here at your bar, and has the right before he is confined for even an hour, to be heard, either by himself, or Counsel.* And I move to amend the resolution by striking out all after the word 'Resolved,' and inserting, That he shall have the privilege of being heard at the bar of this House, in person or by counsel." *

This language is in perfect harmony with the manly declaration of the same gentleman, as Speaker of the House, a few weeks since, in the case of Chas. W. Woolley, another recusant witness, that he would not under any circumstances, either with or without the order of the House, violate the sacredness of the private correspondence of a fellow citizen.

On the last day of the session, Mr. Colfax procured the passage of a resolution increasing the pay of the hard-working Journal Clerk of the House to an amount equal to the salary paid to the "Chief Clerk under the Secretary of the Senate."

Previous to this session, the events of which, so far as this narrative is concerned, have just been related, occurred the Presidential campaign of 1856. Mr. Colfax was an ardent supporter of the Republican nominee, Colonel Fremont. He had but little hope of the success of his party, as he declared that the nomination

* The reader will find a full report of this interesting case in "The Congressional Globe," for January 21st and 22d, 1857.

of Mr. Fillmore as a third candidate would secure enough of the opposition to the Democracy to enable them to elect Mr. Buchanan by a plurality, a prediction which was literally fulfilled. Nevertheless, he worked faithfully and energetically in behalf of the cause he had espoused, and was by no means dismayed at the result. He was full of hope for the future, as will be seen from the following extract from one of his editorials in his paper, written a few months previous to the Republican nomination, and just after that of Mr. Fillmore :

“Whether the Republican ticket shall be successful or defeated this year, the duty to support it, to proclaim and defend its principles, to arm the conscience of the nation, is none the less incumbent. The Republican movement is based on justice and right, consecrated to Freedom, commended by the teachings of our Revolutionary Fathers and demanded by the extraordinary events of our recent history, and though its triumphs may be delayed, nothing is more certain.”

The Thirty-fifth Congress met on the 7th of December, 1857. This being Mr. Colfax's second term, and in consideration of his great knowledge of and experience in the necessities and affairs of the West, he was appointed a member of the Committee on Indian Affairs.

On the 15th of December, 1857, Mr. Tappan, of New Hampshire, announced to the House the death of the Honorable James Bell, a Senator from that State, and after a few eloquent remarks upon the life

and character of the departed statesman, offered the usual resolutions of respect and condolence.

Mr. Colfax then rose, and said :

“I rise, Mr. Speaker, to second the resolutions offered by my friend from New Hampshire, and to entwine my humble offering with the funereal wreath which he has placed upon the grave of the deceased.

“It was my fortune during the long session of the last Congress, to reside in the same house with him ; to see him daily ; to enjoy his counsel ; to learn his worth ; and to prize his friendship. He was a gentleman so unassuming in his demeanor ; and so unobtrusive in his intimacies, that but few who did not belong to the same household fully appreciated his sterling merits. But, though naturally of a reserved manner, neither the snow of Autumn nor the ice of Winter had frozen up the well-spring of his affections. Always kind and considerate in the expression of his opinions, always charitable in his judgments, always tolerant in his discussions, he participated in the stormy scenes of an exciting session without sharing in its acerbities ; he moved in a heated atmosphere without inflaming his own judgment ; he adhered faithfully to his own convictions without denunciation of his opponents ; and while others, on all sides, warmed as the sharp rivalry of contending sentiments progressed, he remained calm and serene. He was, indeed, one amongst a thousand.

‘ His daily prayer, far better understood
In acts than words, was simply DOING GOOD.
So calm, so constant, was his rectitude,
That by his loss alone we know its worth,
And feel how true a man has walked with us on earth.’

“My acquaintance with Senator Bell was limited to the two years he spent in the public service here; but, besides what I learned of his character from that association, I have heard much of him from citizens of his native State. Without exception, all have spoken of him in terms of admiration and esteem. His popularity was of that kind which Mansfield declared was alone valuable—which ran after instead of being run after by its recipient. He was always a friend to the poor—their frequent counsellor, their voluntary and unpaid attorney, their generous contributor. He had no enemies, for he trespassed on no man’s rights, and warred with no man’s preferences; but performing his own duties in private life, and bearing his own testimony in public life, as he felt that his conscience and his judgment required him to do, he left all others equally free to be guided by the same monitors. Indeed, his character seemed to have been formed in exquisite unison with that model laid down by the Apostle James: ‘First pure, then peaceable; gentle and easy to be entreated; full of mercy and good fruits; without partiality and without hypocrisy.’

“I will not enter with any poor words of formal sympathy into that bereaved circle,

‘Where, in the shadow of this great affliction,
The soul sits dumb.’

But I know, by the patient care and never-ceasing attention which I saw his daughter give to her invalid father, whose incurable disease was slowly but steadily undermining all the bulwarks of life, that the blow which has fallen has been one of no ordinary sadness,

and that human sympathy would be unavailing to alleviate its rigor, or to lighten its weight.

“But, sir, these occasions are utterly profitless unless we use them for our own improvement. The dead are beyond our eulogy or our censure. But the frequency with which, as Senators and Representatives, as well as citizens and friends, we crowd around the open grave or the gloomy coffin, admonishes the living that even now the last sands of our own hour-glass may be falling, and the veil between us and the happy future we are looking to on earth, already descending. Yesterday the Palmetto State mourned, in these halls, the loss of her venerable Senator. To-day the Granite State follows her example. And, with these notes of sorrow from the South and the North, how fully can the West sympathize, where, in a single State, three members of the last and present Congress have been called to the last home appointed for all the living. Soon all of us shall be with them.

“Let it be our earnest endeavor so to act that, when the gates of life, after creaking a while on their hinges, have closed behind us forever, we shall not be gladly forgotten by our friends and associates before this frail tenement has mouldered into its kindred dust, or the funeral flowers of the churchyard have blossomed over our graves; but rather leave behind us histories embalmed in their memories, and worthy of their approval and imitation. Then, when we join, as each one of us in turn must join, ‘that innumerable caravan which moves on to the pale realms of shade,’ we may, as did the Senator from New Hampshire, when he

turned his face to the wall, and his back on the world, go down to the valley of the shadow of Death with that calm and unshaken confidence and faith which robs its untried pathways of their terror, while it consoles so inexpressibly the sorrowing kindred whom we leave behind."

On the 23d of December, 1857, a resolution was offered in the House, by Mr. Warren, of Arkansas, for the expulsion from the House of the Delegate from Utah, on account of the hostile attitude of the people of that Territory towards the Government and laws of the United States. The resolution gave rise to an animated debate, and was ably opposed by Messrs. Banks, of Massachusetts, Boccock, of Virginia, Marshall, of Kentucky, and Davis, of Maryland, who took ground that notwithstanding the condition of affairs in Utah, that Territory still had a right to representation in the House. Mr. Colfax, on the other hand, warmly supported the resolution, declaring that the House and the Government owed it to their own dignity, as well as to the dignity of the country, to hold no friendly intercourse with the rebels in Utah until they submitted in good faith to the laws of the land.*

On the 14th of January, 1858, the House being in Committee of the Whole on the neutrality laws, Mr. Colfax declared it to be the duty of the Government to protect the honor of the nation by making these laws more rigid, and compelling obedience to them, so that an end should be put to the fillibustering expeditions

* See Appendix, IV.

by which the country had been recently disgraced. He said :

“ Mr. Chairman, I concur with the language which fell from the gentleman from New York [Mr. John Cochrane] when he offered his amendment; and I liked that amendment, because it was clear and decisive. It meant something. It would have called forth an expression of the opinion of the committee upon the question which is now agitating this entire country. But I regret that the gentleman should have afterward modified his amendment so that it would call for no expression of opinion whatever; and I now offer my amendment to the amendment for the purpose of having a test vote in the committee upon the question whether they believe the neutrality laws ought to be made more rigorous and efficient, or not. We owe it to ourselves, and to our country's reputation, that we shall see that these laws shall not be full of loop-holes and escapes whereby expeditions can go from our shores under the disguise of agricultural expeditions and bands of emigrants, and that we shall never allow this country to be made a place where expeditions of a piratical character may be fitted out and precipitated upon other and weaker nations in our vicinity. I, therefore, desire to ascertain the sense of this committee, that a clear expression of their opinion may be sent to the country upon this important question. I desire a test vote upon this question.”

On the 3d of February, 1858, the Committee on Invalid Pensions reported a bill to the House, granting pensions to the officers and soldiers of the war with

Great Britain of 1812, and those engaged in the Indian wars of that period. An effort was made to refer the bill to the Committee of the Whole on the State of the Union, the adversaries of the measure hoping that they would be able by such a stratagem to defeat it. They argued that the bill would require an appropriation of ten millions of dollars and that so much money could not be spared from the Treasury. Indignant at such an argument, Mr. Colfax, the life-long friend of the soldier and sailor, rose in his place, and said :

“The very fact stated by the gentleman from Tennessee [Mr. Jones], that this bill is a bill of importance, requires, it seems to me, that we should keep it within our control, as is proposed by the gentleman who reported it [Mr. Savage] ; that we should not send it to that ‘tomb of the Capulets’ — the Committee of the Whole on the State of the Union—where it will be overslaughed, as it was in the last session, by political discussions, by appropriation bills, which take precedence there over every other subject, and thus, perhaps, prevent a test vote being taken on it through the whole Congress.

“I believe that if the people of the United States were to be consulted, you would find that public opinion is almost undivided on this matter, and that the great masses of the people would say that it is more patriotic as well as more beneficent to make an appropriation of the public funds for such a purpose than to spend them by the million, as has been done, for water-works for this city, and in reckless expenditures all over the land.

“This is a debt of individual justice and of national honor. All of those men who were in the second war of American independence are now in the evening of their days and decline of their lives; and the small pittance proposed by this bill to be given to them would assist at least in smoothing their passage to the grave.

“For these reasons, and for the fact that I do not wish to see the bill overslaughed by the appropriation bills, which are always certain to pass, from the many interests involved in them, even if they were postponed till the last week of the session; and because it is due to the numerous petitioners for a bill of this character, and to the persons specially interested in its passage, that it should be decided, in the affirmative or negative, I wish to see a debate had upon its merits, and a vote upon its merits on the yeas and nays. I hope, therefore, that the bill may be kept within the control of the House, and that the motion to postpone it to a specific day will be agreed to.”

On the 5th of April, 1858, in the debate on the Washington Police bill, he declared that he wanted no partisan police in the Federal Capital. He wanted a good police force, chosen without regard to the political opinions of its members, but he would not have it a partisan organization. “We have,” said he, “a partisan police in this city now, and we want no more such; for human life is as unsafe here as it is in the Alps or the Apennines.”

On the 24th of May, in the debate on the bill to

regulate the municipal elections of Washington City, he submitted an amendment, which provided that a voter, after removing from one ward of the city to another, could not return to his original ward and vote at any election, but must remain in the ward to which he had removed until he should have acquired a residence there. The amendment, however, was rejected.

On the 27th of May, he moved that the amount appropriated for the Post Office Department be reduced from \$3,500,000 to \$1,500,000.

"I know," said he, "gentlemen will tell me that this is not a sufficient amount. I know it is not sufficient; but at the close of these remarks I shall make an additional motion which will directly increase the revenues of the Post Office Department. I should have made it now, but I thought it would be ruled out of order, as nearly all my motions looking to retrenchment and reform have been.

"Now, sir, my proposition is to abolish the franking privilege; and I hope the House will sustain me in the motion. It is not only an expensive burden upon the mails, but it is a great burden upon members themselves. I know I shall be told that this is all for Buncombe; but I ask members if what I have said is not correct? As long as it exists, members are expected to answer almost innumerable letters, many of them written because they are free of postage, until it is almost necessary for a member to employ a secretary to transact this description of business.

"Now, sir, if you will abolish the franking privi-

lege, as the British Government has done, I think the postages will defray, or very nearly defray, the expenses of the Post Office Department. * * * The gentleman from Virginia [Mr. Letcher] yesterday proposed * * * to increase the rates of postage on letters to five cents instead of three. Now, I prefer, instead of increasing the taxes on the people, to try another sort of reform, by making all mail matter pay postage, and see if that does not replenish the exhausted coffers of the Post Office Department. You may, if you think proper, provide that public documents shall go through the mails free of postage. Let this be done upon their being stamped by the Departments by which they were issued, and it will not interfere with the principle. And now, having explained the reasons for my course, I move still further to amend by adding at the end of my amendment the following; which I think is clearly in order, if any thing intended to make our receipts equal to our expenditures is in order here:

“ ‘And that, to aid in rendering the revenues of the Department sufficient to meet the appropriations of this act, the franking privilege is hereby abolished.’ ”

The Chairman, the House being in Committee of the Whole, ruled the amendment out of order, and it was lost.

Throughout the whole session, he identified himself with the cause of retrenchment and reform, struggling always, and often vainly, to cut down the expenses of the Government to the lowest practicable amount. That he was generally unsuccessful was through no fault of his. The House was very much given to ex-

travagant notions at that time, and all propositions, from whatever source, of an economical nature, met a decided hostility at the hands of the majority.

On the 20th of March, 1858, in reply to Mr. Barksdale, of Mississippi, he delivered his second great speech on the condition of affairs in Kansas, pleading the cause of that unhappy Territory with an earnestness and eloquence that have made his name famous throughout Free America. He demanded the admission of the Territory as a State under the Free State Constitution, and denounced all efforts to prevent that result as an outrage upon the people of Kansas, and upon Freedom. He branded the Lecompton Constitution as a "juggle," and severely rebuked the President for his persistent advocacy of it.

"Imagine, sir," he exclaimed, in conclusion, "George Washington sitting in the White House, that noble patriot, whose whole career is a brilliant illustration of honor and purity in high places; and who doubts that if such a Constitution as this had been submitted to him for his sanction, he would have spurned from his door with contempt and scorn the messenger who bore it? Or, ask yourself what would have been the indignant answer of Thomas Jefferson, who proclaimed as the battle-cry of the Revolution that great truth enshrined in the Declaration which has made his name immortal, and which scattered to the winds the sophistries and technicalities of the royalists of our land, that 'all Governments derive their just powers from the consent of the governed;' not the implied consent of enforced submission, but the actual, undeni-

able, unquestioned consent of the freemen who are to bear its burdens and enjoy its blessings. If a messenger had dared to enter the portals of the White House when that stern old man of iron will, Andrew Jackson, of Tennessee, lived within it, and asked him to give his indorsement and approval, the sanction of his personal character and official influence, to a Constitution reeking with fraud, which its framers were seeking to enforce on a people who protested and denounced and loathed and repudiated it, and to go down to history as its voluntary advocate and champion, that messenger, I will warrant, would have remembered the torrent of rebuke with which he would have been overwhelmed, to the latest hour of his life.

“I turn gladly, joyfully from the consideration of the extraordinary arguments to which I have alluded, to a brighter, happier picture, if you will only allow it to be painted. The President complains that he is tired of Kansas troubles, and desires peace. How easy is it to be obtained! Not by forcing, with despotic power and hireling soldiery, a Constitution hated and spurned by the people, upon a Territory that will rise in arms against it; not by surrendering the power and authority of an infant State into the hands of a pitiful minority of its citizens, who, by oppressive laws, and persistently fraudulent elections, have continued to wield the power which a shameless usurpation originally gave them; but by simply asking the people of Kansas, under your own authority, if you persist in rejecting the vote authorized by their Legislature, the simple, and yet essential question, ‘Do you desire

Congress to ratify the Lecompton Constitution, or the new Constitution now being framed?' How easy is the pathway to peace, when justice is the guide! how rugged and devious is the pathway of error when wrong lights the road of her followers with her lurid torch, I have endeavored to show.

"The people of Kansas, through every possible avenue which has not been closed by their enslavers, have remonstrated to you against this great wickedness. By ten thousand majority at the polls; by the unanimous protest of their Legislature; by public meetings; by their newspaper press, and by the voice of their Delegate upon this floor, overwhelmingly elected less than six months past, they ask you to repudiate this fraud. Dragged here, bound hand and foot by a Government office-holder—who, besides drawing his pay as surveyor-general, acts also as president of the Lecompton Convention; who becomes, by its insolent discarding of all your Territorial officers, as well as the people's, the recipient of all the returns, fraudulent as well as genuine, and the canvasser of the votes—she appeals to you to release her from the grasp of this despot and dictator, and to let her go free. In the language of an eloquent and gifted orator of my own State, I say, 'When she comes to us, let it be as a willing bride, and not as a fettered and manacled slave.'"

This whole speech is a masterly exposition of the trickery and outrages practised by the Border Ruffians at the Kansas elections.' It created a marked sensation in the House, and throughout the country. The

people of Kansas felt that so long as Schuyler Colfax remained in Congress, they would have at least one fearless, able champion, who would never shrink from defending their rights when unjustly assailed, and denouncing their oppressors. The esteem and confidence entertained by the Great West for its young Representative grew greater every day; and among the people of his own district it began to be an acknowledged fact, that Mr. Colfax could and would remain in Congress as long as he felt disposed to do so.

During the second Session of the Thirty-Fifth Congress, which met on the 6th of December, 1858, Mr. Colfax continued to serve on the Indian Committee, winning all the while a reputation for industry and capacity as a committee-man, equal to that he had gained as a debater.

On the 6th of January, 1859, he presented a bill for the organization of a new Territory, to be called "Colona;" but beyond a reference to the Committee on Territories, no action was ever taken upon it.

On the 2d of February, 1859, Mr. Greenwood, from the Committee on Indian Affairs, reported a bill to authorize the issuance of patents to certain Indians, and for other purposes. The bill provided, "That patents shall be issued for lands allotted to the Shawnee tribe of Indians, under the treaty of May 10th, 1854, under such rules and restrictions as the Commissioner of Indian Affairs shall see fit to prescribe; and that patents shall be issued to all other Indians to whom lands have been set apart in severalty." It also provided, "That any Indian to whom a patent shall be

issued under this or any other Act of Congress, may become a citizen upon filing a declaration to that effect, and upon presenting proof before any Judge of the District or Circuit Court of the United States, that he is able to take care of his own affairs, and is otherwise qualified to become a citizen; and the said Judge shall thereupon administer an oath to support the Constitution of the United States, and he shall issue a certificate of citizenship to such Indian, and furnish a duplicate of the same to the Commissioner of Indian Affairs."

The bill met with considerable opposition, the principal part of which came from the Southern members, who seemed to think that any concession on their part upon this subject would weaken their position upon the Slavery question.

During the debate, Mr. Colfax rose, and said: "The confusion has been so great that the remarks which have been made have not been heard upon this side of the House. The gentleman from Alabama makes objection to this bill upon the ground that the Indian, as a race or as a tribe, is incompetent to attend to his own business, and, therefore, if we give him the privilege of alienation, sharpers in trading with him will rob him of his homestead, or of what Congress intends to give him. But, if that gentleman will consult the Delegate from that Territory, or the present Commissioner of Indian Affairs, Mr. Denver, who has been Governor of that Territory, he will learn that these Indians are quite as intelligent in trading as any gentleman in this House. Many of them have assumed the habits of white men in the Territory, and are fully

competent to attend to their own affairs. This bill provides that the Indians shall only be allowed to alienate their lands under such restrictions as the Commissioner of Indian Affairs shall impose. *It ought to be a principle of our Government, so far as it is consistent with the rights of the Indians, to open up the country to settlement and improvement.* There are water-powers upon these lands which the Indians are unable to improve, but who, by taking some persons in partnership with them, would be enabled by the assistance of capital, to improve them. Towns have been located upon some of those reservations, titles to lots in which it is impossible to obtain; and as my colleague upon the Committee on Indian Affairs [Mr. Greenwood] said, it has become a matter of necessity that they should have the title in their own hands, for the purpose of protecting the timber upon their lands. * * *

"I have one further remark to make. This provision as to alienation is subject to every restriction which the Commissioner of Indian Affairs sees fit to make. There is no member of this House who will doubt that if Mr. Denver, the Commissioner of Indian Affairs, should come to this House and say that to allow a certain single Indian to alienate a certain quarter-section of land would be judicious, Congress would grant him that authority; for the Commissioner of Indian Affairs has been very rigorous in his decisions in favor of the Indians, and vigorous in protecting them from the encroachment of settlers.

"I think if we decide to develop the resources

of the Territory of Kansas, and allow civilization to progress there, we ought to pass a bill of this character, with the severe restrictions and guards which are thrown around it."

The bill, after some further debate, was put on its passage, and rejected by a vote of 91 nays to 82 yeas.

On the 17th of February, 1859, he protested against that section of the Post-Office Bill (to abolish the franking privilege, &c.) requiring the prepayment of the postage on newspapers before their delivery at any post-office for transmission in the mails. He said it would require every newspaper publisher in this country to prepay the postage on his entire circulation, and would ruin half the newspapers in the country; and declared that such a measure had never been asked for, or desired by any one.

On the 25th of February, during the consideration of the Naval Appropriation Bill, he offered an amendment providing that Commodore Paulding should be indemnified out of the Naval fund to be appropriated by this bill, for any expense to which he might be subjected by suits "arising out of his arrest of General William Walker, and his associates, on the shores of Nicaragua."

The Chairman of the Committee of the Whole decided that the amendment was not in order; whereupon Mr. Colfax appealed from the decision of the Chair. He said:

"We are appropriating money for contingencies of the navy, for legal expenses, for courts-martial, for courts of inquiry. It is right for us to say how that

money shall be expended ; and I think that some of it ought to be expended in protecting a gallant commander for performing an act that has been indorsed by this House."

Always jealous of the honor of his country, Mr. Colfax knew how to sympathize with one who could dare to uphold it.

The House sustained the decision of the Chair, however, and the amendment was not received.

He opposed vehemently the extravagant ideas presented in the "Consular and Diplomatic Appropriation Bill," and moved to dispense with the mission to Persia, which it was proposed to establish.

"My reason for making this motion," said he, "is, that we have no minister at Persia, nor do I see any necessity for having any there, at present. Certainly at a time when the Treasury of the Government is bankrupt and unable to pay its debts, and when the people expect retrenchment of us, we should not enlarge the diplomatic expenses of the country, except for some controlling reasons."

On the 26th of February, 1859, the Committee of the Whole resumed the consideration of this bill, and among the amendments to it recommended by the Committee of Ways and Means, was one which directed the Superintendent of Public Printing, in any case where both Houses had ordered the printing of any public document, "to cause the order of the House last making the order to print such document to be executed by the Printer of the House first ordering the same," &c.

This was a shrewd move on the part of the Democrats to place the public printing entirely in the hands of the Senate Printer, who was a member of their party. It was quickly detected by Mr. Colfax, who, quietly rising in his place, exposed the entire game of the Democracy, by saying: "In case there should be an Opposition Printer to the next House, and a Democratic Printer to the Senate, all reports may be made to the Senate first, and their printer will have all the printing."

At a later period of the debate, he moved to amend the amendment reported by the Committee of Ways and Means, by inserting the following at the end of the section:

"Provided, That all public documents shall be laid before both Houses simultaneously."

Some objection being made that some documents were only intended for one House, he said:

"The object of this amendment is clear and legitimate. The Senate amendment provides that the Printer of the House which shall first order a public document shall have the printing of that document for both Houses, and that only one composition shall be charged. My amendment, as worded, could not apply to those documents ordered by only one House; but, in order that there may be no misunderstanding, I will modify it so that it may read:

"Provided that all public documents designed for both Houses, shall be sent to both Houses simultaneously."

"MR. HOUSTON. I would like to have the gentleman

tell me the purpose of his amendment. What does he propose to accomplish by it?

“MR. COLFAX. I will tell the gentleman what the object is: It is to prevent the Departments, when there is one Printer of one politics in one House, and of another in the other, from giving all the heavy work to the Printer of their own politics.”

While by no means an advocate of the doctrine of “State Rights,” as usually understood, there are few men more thoroughly devoted to and jealous of the interests and honor of their State than Mr. Colfax. The good name of Indiana is as dear to him as his own, and he is always quick to defend it. During this session, one of the members of the House denounced that Commonwealth as “a bankrupt State.” A few days later, Mr. Colfax presented a letter from the Clerk of the Committee of Ways and Means of the Indiana Legislature, giving a clear statement of the financial condition of the State, and of the action of the Legislature upon the subject. When the letter was read, he said:

“The Government is possessed of some \$106,000 trust funds, belonging, by sacred compact, to the State of Indiana, guaranteed to her upon her admission into the Union—a trust fund which the Government had no right to seize for the repayment of debt, or for the liquidation of an investment which the State did not invite. She has made an honorable adjustment of all her debts with her creditors—an adjustment satisfactory to them, and, indeed, proposed by them; and has ever since been paying her interest regularly. When the Government refunds to her the trust funds they have

withheld by the exercise of their power, it will be time enough for gentlemen to ask her to place the Government on a par with her other creditors."

Still continuing his efforts for retrenchment and reform, Mr. Colfax, on the 21st of February, 1859, the House being in Committee of the Whole on the Post Office Appropriation Bill, moved to amend the bill by striking out, "For blanks, \$100,000," and inserting in lieu thereof the following :

"For blanks, \$80,000, to be printed by the lowest responsible bidder, after advertisements inviting bids for the same shall have been published at least thirty days by the Post Master General."

He said, in support of his amendment : "I have two reasons for offering this amendment. The first is, that the sum for printing blanks has been largely increasing within the past few years, while every other item of the incidental expenses of the Post Office Department has only gone on *pari passu* with the ordinary progress of postal business. For instance : the items for mail bags, wrapping paper, locks, keys, stamps, etc., are the same as they were three years ago, and a very small increase beyond what they were in 1852, seven years ago. This item, on the contrary, has more than doubled in that time. The appropriation in 1852 was only \$45,000, increasing in 1856 to \$80,000, and now coming up to \$100,000. I think that we ought to retrench here, for I am certain that double the amount of blanks is not required now, that were required in 1852, the other incidental expenses of the Department remaining nearly the same.

“The second reason for my amendment is this: both branches of Congress, by deliberate votes, at the last Session, passed a law requiring these blanks to be printed by the lowest bidder; but when the Post Office Appropriation Bill was sent to a Committee of Conference, in the expiring hours of the Session, that clause was struck out, with others like it, that had been agreed upon by both Houses. This is within the knowledge and recollection of the members of this House. This provision ought to be placed in the appropriation bill, and ought to be the general law of the land in regard to this thing.”

These arguments were irresistible, and Mr. Colfax had the pleasure of seeing his amendment adopted.

CHAPTER V.

Reelection to the 36th Congress—Majority in this Election—Meeting of Congress—Situation of the Country—The Sectional Troubles—The John Brown Raid—The Contest for Speaker—Mr. Clark's Resolution—Denunciation of the Republicans—Greeley on the "Helper Book."—The Contest for Speaker a hard fight—Mr. Colfax's Defence of the Republican Party—Maintains the Right of his Party to elect a Speaker—Manly Assertion of his Independence—Mr. Colfax maintains the Freedom of the Press, and administers a sharp Rebuke to the Democrats—Hopelessness of the Contest for the Speakership—Withdrawal of Mr. Sherman and Election of Mr. Pennington—Mr. Colfax is made Chairman of the Post Office Committee—Efforts in behalf of the Pacific States and Territories—Supports Mr. Lincoln for President—A prophetic Announcement.

IN the fall of 1858, the elections for members of the Thirty-Sixth Congress were held. Mr. Colfax was again the nominee of his party. A strenuous effort was made to defeat him, but he was reelected by the triumphant majority of 1,931 votes.

The First Session of the Thirty-Sixth Congress opened in Washington City on the 5th of December, 1859. The country was in great agitation. The Slavery question had reached a point from which there seemed to be no retreat for either party, and the two Sections were rapidly becoming more and more embittered against each other. The Presidential Campaign of 1860 was close at hand, and, worse than all, the invasion of Virginia by John Brown, and his subsequent execution by the authorities of that State,

had brought matters to a crisis, which wise and foreseeing men felt would be fatal to the peace and happiness of the country. The whole land rang with the angry voices of the contending parties, and the prudent counsels of those who dreaded the ultimate results of these things, were unheeded or unheard.

The struggle at once extended to Congress, and was carried on there with a bitterness that is even now surprising. It manifested itself first in the contest for the Speakership. The Republicans nominated John Sherman, of Ohio, as their candidate, and the Democrats, Thomas S. Bocock, of Virginia, as theirs. On the first ballot Mr. Bocock received 86, and Mr. Sherman 66 votes. The vote had hardly been announced, when Mr. John B. Clark, of Missouri, offered the following resolution :

“Whereas certain members of this House, now in nomination for Speaker, did indorse and recommend the book hereinafter mentioned,

“*Resolved*, That the doctrines and sentiments of a certain book, called ‘The Impending Crisis of the South ; How To Meet It,’ purporting to have been written by one Hinton R. Helper, are insurrectionary and hostile to the domestic peace and tranquillity of the country, and that no member of this House who has indorsed or recommended it, or the compend from it, is fit to be Speaker of this House.”

This proposition embodied the views of the extreme Southern members of the House, during this memorable Session. No one who differed from them on the question of Slavery, or who dared to express his sentiments, was to receive any thing at their hands.

“The book thus advertised,” says Mr. Greeley, “was written by a young North Carolinian, of the poorer middle class, who, having migrated to California, and spent some time in the Northern States, had imbibed ideas respecting Slavery which it was not safe to express in his native State. Those ideas he had embodied in his ‘Impending Crisis,’ which was, in substance, a vehement appeal to the poor whites of the South against persistence in servility to the Slaveholders, backed by ample statistics proving Slavery specially injurious and degrading to them, as well as baleful and blighting to the entire South. This book, being deemed effective as an anti-Slavery argument, whether in the North or in the South, had been recommended to general attention in a circular signed by two-thirds, at least, of the Republican members of the last Congress, including, of course, many of those returned to the present. Messrs. Sherman and Grow, between whom the Republican vote for Speaker was divided, were both among the signers of this circular. Hereupon, Mr. Clark proceeded to make, amidst interruptions and questions of order, such a speech as a Slaveholder might be expected to make on such a theme; urging that no man who had recommended such a book as Helper’s, ought to be chosen Speaker, and insisting on discussing the contents and bearing of that book at leisure; while several Republican members, instead of reprehending this discreditable interruption of the proper business of the House, and demanding that the Clerk should proceed to call the roll for another attempt to elect a Speaker, rose to

deprecate and explain, and apologize, and insist that if they *had* signed a recommendation of any such book, it was in total ignorance of its contents, which they utterly condemned and repudiated. Thus, amid great confusion, Mr. Clark carried the point he was aiming at; and the House, after one more refusal—yeas 113; nays, 115,—consented to adjourn at a little past two o'clock, without taking a second ballot for Speaker.”*

Mr. Clark's resolution was denounced by the more courageous Republicans in no unmeasured terms, and as warmly defended by the pro-Slavery element, and the war of words was fierce and bitter.

Mr. Colfax took an active part in the debate, giving and receiving hard blows with all the skill of an old gladiator. On the 4th of January, 1860, he said, in reply to the charge that the Republican Party had delayed the organization of the House:

“The gentleman from Missouri [Mr. Anderson] yesterday read to us a memorial of the mail contractors that we should organize, and then made a speech suggesting the carrying out of that petition. I do not know whether the speech was authorized by the mail contractors, or not; but in it he denounced this side of the House, and appealed, as usual, to the ‘Conservative members’ to elect a Speaker. I have only to say, if in this he was the organ of the mail contractors, and if that speech be recognized as their sentiments, it is not calculated to promote good feeling on this side of the House towards them.

* The American Conflict,—pp. 304, 305.

“We have appealed to the other side over and over again, to apply to this election the test by which every member holds his seat upon this floor. In every State of the Union, from Maine to California, Representatives to Congress are elected, not by an absolute majority vote, but by a plurality vote. There is only one exception, I believe, and that is the State of Rhode Island; and there, on a second ballot, a plurality elects. Wisely has every State of the Union determined that if the people choose to scatter their votes in the exercise of a public trust, the men who receive the highest number of votes shall be elected, so that the organization of the Government can go on, and not lapse for lack of a majority of votes. After waiting here patiently, when a petition comes in from the mail contractors, asking us to organize and pay their honest debts, we have appealed to the other side of the House to apply the same rule to the election of Speaker that was applied in their own election, and that he who received the highest number of votes, should be declared elected. We have waited to see if there would be any coalition, any cement, any billing and cooing, by which a majority could be obtained to defeat the gentleman from Ohio. We have waited for this long and patiently; it is time now, when gentlemen appeal to us to pay the debts of the Government, and when they themselves stand in the way of an organization, that the same test by which they received the credentials which entitle them to seats here, shall be applied to the election of a presiding officer. I have been surprised to hear gentlemen who are such strict

constructionists of the Constitution, talk about electing a Speaker *pro tempore* for this House. Such a thing is unknown to the Constitution. We are authorized by the Constitution to elect a Speaker. We are commanded by the law to elect a Speaker before we proceed to other business, and there is nothing in the Constitution to warrant us in electing a Speaker *pro tempore*.

"Mr. Garnett.—Where do you find in the Constitution authority to delegate the power of electing a Speaker, or of passing laws, to a minority of this House?

"Mr. Colfax.—I will answer the question with pleasure. The Constitution says the House of Representatives shall elect their own Speaker, and gives them supreme control to elect him in any manner they see fit."

On the 19th of January, the debate on the plurality rule grew sharp and bitter. Mr. Colfax was the especial object of the attacks of the Democrats, but he parried all their blows skilfully, and struck such hard ones in return, that his adversaries were content to let him alone, and close the debate by an adjournment. Mr. Stevenson, of Alabama, declared in effect that Mr. Colfax was guilty of a crime if he endorsed the "Helper Book," or supported for the Presidency any man who endorsed it, intimating that the Southern side of the House would hold him responsible for his act. This ungenerous assault stung the usually quiet member sharply, and roused him to the following spirited assertion of his manhood:

"I am in the habit of acknowledging my accountability, not to gentlemen upon the other side of the House, but to my constituents. I am accountable to them for what sentiments I express here and elsewhere. I have heard gentlemen rise upon the other side, and, after denouncing the treason of John Brown, declare that if the people of the United States, under the Constitution, should elect this or that citizen to the Presidency, eligible though he might be by the Constitution, they would resist his inauguration by force: that they will not wait for any overt act, but that at once they will prevent the consummation of the people's election. I do not ask them to be responsible to me for the expression of such sentiments, nor will I use offensive language against that declaration which grates so strangely upon the ear when uttered upon the floor of the American Congress. I am accountable, I say to the gentleman from Mississippi, to my constituents, and not to him or any body else; and I am not afraid to meet that constituency; to appear at that tribunal where I have so often met them before. If *they* receive my explanations, it must satisfy the gentlemen on the other side, who are in no wise responsible for my presence in this House, and who have no power to prevent me from occupying a seat here, as the Representative of those who have honored me with this trust. I yield the gentlemen on the opposite side of the House the same rights that I claim and insist on having for myself. In a subsequent stage of the Session, when the House is organized, if Mr. Sherman or myself rises to speak, and to express our dissent from any

portion of the Helper Book, let me assure gentlemen, it will not be done upon compulsion and demand, but voluntarily, and because we deem it fit to do so."

On the 25th of January, in the debate on Mr. Ashmun's (of South Carolina) resolution to expel the Reporter of the New York Herald from the press gallery for his personal attacks on Democratic members, Mr. Colfax took occasion to administer the following severe rebuke to the Democrats for their own course :

"I do not stand here as the champion or the apologist of the *New York Herald*. But if the gentleman from South Carolina is about to commence a system of purgation of the Reporters' gallery, I want him to go back and commence in the regular order in which these transgressions have occurred ; and I wish to draw his attention now to the fact that the official organ of this Administration—I allude to the Washington "Constitution"—has so far forgotten the dignity of its position, as to brand Representatives upon this floor, who have dared to vote for the man of their choice, for Speaker, as 'traitors,' and has used the most dishonoring invectives in regard to them, saying, as a friend reminds me, that they had been 'bought with a shilling.' I only draw the attention of the gentleman from South Carolina to this fact, so that the axe when it falls shall fall upon all who transgress the rules of decorum which the gentleman has alluded to.

"Let me add one thing further. The language to which the gentleman refers, is language certainly which I cannot and do not approve. I have never,

as gentlemen will bear me witness, used personalities of any kind here in debate towards those who differ from me; and those who have seen the paper that I have conducted know that I do not indulge in personalities there. *But I stand here, and I shall always stand here as the defender of the freedom of the press in this country; and if gentlemen do not like the press to strike back, they should themselves withhold the blow which provokes it.* I always regret to see gentlemen rising here with newspaper extracts in their hands, and basing upon them personal explanations, in which they employ language which, for the sake harmony and concord and for the sake of keeping our record free from personalities, might as well be omitted. These differences and disputes had better be settled elsewhere. I do not allude to the code of honor, but outside of this House, in the Courts, and not be brought here. Gentlemen who sit upon this side of the House have been attacked by the very paper to which the gentleman alludes, in the severest and bitterest language of invective.

“We have been called traitors to our oaths, traitors to the Constitution; and harsh and irritating as the language of yesterday’s *Herald* is, it is not harsher or severer than the previous language of the same paper, used against gentlemen who know themselves faithful to the Constitution and the Union, *and which has been copied and incorporated in speeches of gentlemen of the other side.* Have they not called us incendiaries? Have they not branded us as guilty of treason? Have they not in a variety of ways gone beyond

that parliamentary decorum which should govern a body like this? *And they should remember that to thus characterize their fellow members is as irritating and offensive as any personal language that can be used in the columns of a newspaper.*"

It was evident that the election would be prolonged indefinitely, and Mr. Sherman, after eight weeks of unsuccessful voting, withdrew his name from the canvass. Mr. William Pennington, Ex-Governor of New Jersey, and a new member of the House, was presented in his stead, and elected on the 1st of February. Mr. Bockock had withdrawn by this time, and the whole strength of the Democrats was thrown in favor of Mr. Smith, of North Carolina, an "American." On the fourth ballot Mr. Smith withdrew, and Mr. Pennington was elected, and the House finally organized.

After the organization of the House, Mr. Colfax was made Chairman of the Post Office Committee, for which position his familiarity with the details and necessities of that branch of the public service eminently qualified him. On the 2d of March, 1860, he introduced a bill to allow publishers of newspapers to print on the wrappers thereof a notification to the subscriber of the time of the expiration of his subscription, which was immediately adopted. On the 8th, he introduced a bill for the better regulation of the mail service between the Atlantic and Pacific States. It provided that the Post Master General should advertise for bids for the transportation of the mails by the overland route, and also by sea, in order that the Government might assign the contract to the lowest bidder, and at the same time

secure the greatest amount of regularity and speed in the transmission of the mails. The plan proposed by this bill was a vast improvement upon the old system, and was much more economical than any that had been suggested. Other reforms, especially in regard to the delivery of "drop letters," were inaugurated and carried through by him during this session. He also procured the passage of the law to enable the writer of a letter to have such letter returned to him, if uncalled for within a given time, instead of being sent to the dead letter office, a measure which has done much to facilitate the despatch of business throughout the country.* He also gave his whole influence to procuring for the settlers in the distant Territories the best mail facilities the Government could afford, and on the 16th of April, 1860, procured the passage of a bill for the regular transmission of the mails to the new settlements at Pike's Peak. He said, in advocating this bill:

"The people of Pike's Peak are four, or five, or six hundred miles from the frontier. They have Post Offices, but have no Post routes—at least none in operation, and consequently no mail connection with the States. The people there have been drawn from all sections of the country, in their anxiety to extract gold from the mountains. They have left their families and business and friends at home, and have no means of corresponding with them, except through express companies. *It is a duty which the Government*

* This bill was drawn up by Senator Collamer, of Vt., but carried through the House by the efforts of Mr. Colfax.

of the United States owes to them that they shall have mail facilities in common with the other millions of people throughout the land."

Mr. Colfax spoke frequently and ably during this session, and upon a variety of topics. The matters relating to the business of his Committee, the Tariff, the Pacific mails, the Telegraph to the Pacific, all these claimed his attention, and were fully and ably discussed by him. He always showed himself master of his subject, and was never at a loss in debate either for information or a happy manner of expressing his thoughts. His best efforts were given to the task of rendering the mail relations between the Atlantic and Pacific States more intimate, and nothing discouraged him in this noble effort. The warm reception which he met from the people during his recent visit to the Pacific Coast is an eloquent proof that his labors were understood and appreciated in that quarter. He was one of the earliest and warmest advocates of the Pacific Railroad, and not a little of its success is due to his efforts in its behalf.

He entered upon the Presidential campaign of 1860 with enthusiasm. A personal friend of Mr. Lincoln, he warmly advocated his cause, and by both his pen and voice contributed much to the glorious Republican triumph of 1860, by which Mr. Lincoln carried the State of Indiana by a majority of nearly six thousand over all his competitors. Mr. Lincoln was a man after Mr. Colfax's own heart, and he hailed his nomination with delight. A short time before the Chicago Convention met, he wrote, in reference to the

nomination to be made, the following lines, which are almost a prophecy of the choice of Mr. Lincoln, so clearly do they describe the man, and define his position :

“ We differ somewhat from those ardent contemporaries who demand the nomination of their favorite representative man, whether popular or unpopular, and who insist that this must be done, even if we are defeated. We do agree with them in declaring that we shall go for no man who does not prefer Free labor and its extension, to Slave labor and its extension,—who though mindful of the impartiality which should characterize the Executive of the whole Union, will not fail to rebuke all new plots for making the Government the propagandist of Slavery, compel promptly and efficiently the suppression of that horrible Slave-trade which the whole civilized world has banned as infamous, piratical, and accursed. But in a Republican National Convention, if any man could be found, North, South, East, or West, whose integrity, whose life, and whose avowals rendered him unquestionably safe on these questions, and yet who could poll one, two, or three hundred thousand votes more than any one else, we believe it would be both wisdom and duty, patriotism and policy, to nominate him by acclamation, and thus render the contest an assured success from its very opening. We hope to see 1866 realize the famed motto of Augustine—‘ In essentials unity, in non-essentials liberty, in all things charity.’ ”

CHAPTER VI.

Elected to the 37th Congress—Meeting of Congress—State of the Country—Postal Affairs—Withdrawal of Delegates from Congress—Resolution to withdraw the Mails from the revolted States—Postal Affairs again—The “Overland Mail” Route—Speech of Mr. Colfax in behalf of it—An interesting Statement of the Plan—Inauguration of President Lincoln—Proposal to place Mr. Colfax in the Cabinet—Secession—Civil War—Extra Session of Congress—Postal Regulations for the Benefit of the Army—Speech on the Tax Bill—Supports the Measures of the Administration—Eulogy on Senator Baker—Elected to the 38th Congress—Gravity of the Contest—Meeting of Congress—Resolution relative to Mexico—Speech on the Bill to indemnify the President—Relations with the President—Favors the Admission of West Virginia—Postal Reforms—Case of Mr. Vandever—Resolution respecting Exchanged Prisoners—Speech on the Georgetown Railway Bill—Naval Affairs—Bounty Resolution—Views upon the Financial Measures of the day—Postal Reforms again.

THE elections for the Thirty-Seventh Congress took place in the fall 1860, together with the Presidential election, and Mr. Colfax was again returned from the Ninth Indiana District—this time by a majority of 3,402, the largest he had yet received.

The Second Session of the Thirty-Sixth Congress began its deliberations on the 3d of December, 1860, only a few weeks after the election of Mr. Lincoln. The President's message gravely stated the perilous condition of the country, and called upon the two Houses of Congress to devise such measures as, in their judgment, should give peace to the land. It was fortunate

for the Union that the Administration of Mr. Buchanan had but a few months more of existence before it, for it possessed the confidence of neither the North nor the South, and was really a great obstacle in the way of any step, calculated to restore harmony, that might be undertaken by Congress. That portion of the President's message which was devoted to the State of the Country was referred to a Select Committee of the House, and was made the subject of one of the most memorable debates ever heard within the walls of the Capitol.

Meanwhile Mr. Colfax continued to serve on the Post Office Committee as its Chairman, and on the 5th of December, 1860, made an ineffectual effort to induce the House to resume the consideration of the Post Route bill, which they had left unfinished at their adjournment in the summer. Objections were raised, however, and the important business of the country had to give way to politics.

The States of the South, commencing with South Carolina, gradually withdrew from the Union, and recalled their delegations from Congress, upon the pretext that the election of Mr. Lincoln was an attack upon their rights. The events and questions of this portion of our history are so familiar to the reader that we need not mention or discuss them here, except so far as they concern the subject of this memoir.

Although the Southern States had seceded, and had repudiated their allegiance to the General Government, they still continued to enjoy the benefits of the regular transmission of the mails by the Post Office

Department, and it seemed that the Government was really supplying them with facilities of this kind until the rebel Post Office Department could be organized and set to work. Indignant at this weakness on the part of our authorities, Mr. Colfax, on the 21st of January, 1861, introduced the following bill into the House :

“Whereas, In several States of the Union, the judges, district attorneys, and marshals, commissioned by the Government of the United States for said States, have resigned their offices, and it appears impracticable, in consequence of revolutionary proceedings therein, to fill the vacancies thus created ; and whereas the Government of the United States is thus without any means of collecting or enforcing in such States the payment of the postal revenues from the officers collecting the same, or of punishing violations of the postal laws, committed by robberies of the mails or otherwise, or of enforcing the performance of mail contracts : Therefore,

“Be it enacted, That in all States which are, or may hereafter be situated as above, the Postmaster General is hereby directed to discontinue the postal service for such period of time as, in his judgment, the public interest may require, and shall report his action to Congress.”

The bill was referred to the Post Office Committee, and reported to the House the next day, with a recommendation “that it do pass.” It was warmly opposed by the members of those States of the South then represented in Congress, but was ordered to be

printed. The measure was called up at a subsequent period and put in force.

The postal affairs of the country were faithfully attended to in the early part of the Session, under the energetic management of Mr. Colfax. The debate on these measures was long and searching, and the merits of the proposed improvements fully canvassed. In spite of the agitated condition of the country, much was accomplished. Nearly all the best features of the present system are recommendations of the Committee presided over by Mr. Colfax, and though he was not the *author* of all these, he identified himself with them so closely, that his name and the recollection of his services in their behalf, will always be linked with them.

On the 15th of February, 1861, he procured the passage of an amendment to the postal Act then before Congress, which amendment prohibits postmasters from charging postage for the delivery of mail matter sent free by law, as they were then in the habit of doing, by virtue of an old Act of Congress.

Through his exertions a daily overland mail to the Pacific was established, and mail routes were organized through Oregon and Washington Territory, giving those remote regions a speedy and certain means of communication with the Atlantic States. The details of this scheme of the overland mail are so clearly and forcibly set forth in the remarks by which Mr. Colfax urged the passage of the measure, that we present them here entire :

“This Amendment brings before the House again

the question of a daily overland mail, upon which I presume every member has made up his mind, and is prepared to vote."

"For many years the people who live on the Pacific coast have been waiting, and have been hoping for a daily communication by mail with the States on the Atlantic Coast. It is well known that our mails to the Pacific are now carried through the territory of of a foreign Government, exposed to the dangers of two oceans—the Atlantic on this side, and the Pacific on the other—and the dangers of the transit through Central America, where the Government has no power to protect the mails if they should be attacked. I know it is to be met, and I regret that it is to be met by my friend on my right [Mr. Sherman], by an objection as to its expense. But I will say, in anticipation of his argument, that the Post Office Committee have endeavored to make the establishment of a daily mail on as cheap a basis as possible. The propositions which were before the House and before the Senate at the last Session, for establishing a daily overland mail, contemplated an expenditure of something like two millions of dollars per annum; while in this amendment it is limited to \$800,000. By the Senate proposition, the overland mail is to run from St. Louis to San Francisco, and is not limited as to its maximum cost.

"The Committee on the Post Office and Post Roads, desiring to compromise, have cut off on this side the portion between St. Louis and the Missouri frontier, as we have railroads completed to the western

frontier of that State, while others are in progress of construction; and on the Pacific side we have daily mail service as far east as Placerville, just on the other side of the Sierra Nevada, and a railroad from Sacramento completed nearly up to that town, and therefore we have cut off that portion for the purpose of limiting and saving expense, thereby saving at least \$200,000 additional cost per year. We also provide in this, that Salt Lake City in Utah, and Denver City, the headquarters of the emigration to the Pike's Peak region, shall be supplied with a semi-weekly mail by these contractors without extra expense.

"It may be stated, and, indeed, has been urged, that it is impossible, on account of their weight, to carry the mails overland to California. Now, Sir, the mails have been weighed, not only during the last Session of Congress, but during the present Session, by the postmaster at New York City. I can state to the House exactly what was the weight of California mails, carried by way of the Isthmus. It amounts to about fifty thousand pounds per month, or six hundred thousand pounds per year, divided into about two thousand pounds of letters, thirty thousand pounds of paper, fifteen thousand pounds of magazines and other periodicals and books, as well as franked documents, and three thousand miscellaneous, such as stamps, post office blanks, envelopes, etc. The amendment requires that the contractors shall carry through one thousand pounds every day, on the fast schedule of twenty days' service. This will take through the entire letter and newspaper mail, or very nearly the en-

tire newspaper mail; and I am free to say that I will vote for no daily overland mail to the Pacific that will not provide for carrying the newspaper mail, to the extent of one thousand pounds per day, on the fast schedule time of twenty days. It is the mail that takes to the new homes of the emigrants full news from the firesides whence they came.

“As magazines, periodicals, and public documents do not contain the news of the day like the daily papers, they are not required to be transmitted with the same rapidity; it is provided that the contractors may take them through in the slower schedule time of thirty-five days. It further provides that they shall be allowed the privilege, at their own expense, of carrying mails of magazines, periodicals and public documents by water, at least semi-monthly from New York City to San Francisco. The total cost of this overland service under this amendment, will be \$800,000. We say nothing about the Butterfield contract, running around by the way of El Paso. That is a Congressional contract, limited to letters. It is a wasteful and extravagant contract, which the Attorney General has decided we cannot impair during the term for which it was made. Nor, Sir, can we compel them to carry the newspaper mail, or any portion of it. They have the contract, and they have the power to hold us to its provisions while it remains unexpired.

“Mr. Speaker, in anticipation of the argument in opposition to the establishment of a daily overland mail as a matter of expense, I will say to those who design opposing the proposition on that ground, that they will

find the increased amount of expense is comparatively a mere bagatelle. The cheapest cost of the postal service by steamers and through a foreign country, and which is only tri-monthly instead of daily, is \$350,000 per year. The cost of the semi-monthly mail from San Francisco to Placerville, and across the Central Route, which has been increased by order of the Department, for mails to Fort Kearney on this side, and to Washoe and Carson Valley on the other, is \$208,000 per year; and as the weekly service to the Pike's Peak region, now costing \$19,000 per year, must be eventually still further increased to semi-weekly, making nearly \$40,000 per year, then you have \$600,000 paid out (exclusive of Butterfield's) per year, for the service we have now to California and Pike's Peak; when we have only a tri-monthly service around by the Isthmus, exposed to all the dangers of going through a foreign country, exposed to dangers of war, in comparison with \$800,000 for a daily service, each way, across the centre of the continent—thirty times a month, instead of three, and five days quicker.

“There is still another reason. We are receiving \$50,000,000 a year in specie from California. It comes now by the way of the Isthmus. I need not say, if we should be involved in a war with a foreign country, that that specie and the mails could not be carried safely by the way of the Isthmus. The Government of the United States would be compelled to do what the Government of Great Britain does now in Australia, where it furnishes a military escort for the gold which comes down from the mountains some five or six hundred miles to

Melbourne, on the coast, for shipment. We would need to have this gold of the country; the country could not do without it. It has already saved us from one ruinous revulsion, and mitigated the evils of another. We would have to protect its transit across the centre of the continent, if we were in war with a foreign nation, by a military escort. If we establish a daily overland mail to California, it will follow that the contractors will build stations all the way through for their stock, and for the drivers and others in their employ, as well as for the protection of the mail itself against any attempt that may be made by savages or robbers for its capture. You will by this peaceful proposition establish a cordon of posts across the continent, without one cent of expense added to your military appropriations. And if, unfortunately and unhappily, the country should be involved in war, this treasure would be compelled to come across the centre of the continent, and for that purpose we will have these stations already prepared to our hands. We will have daily transit across the continent, and these posts provided in advance, by which, in a few days, we could provide protection for the safety of this treasure.

“Mr. Speaker, the people of California, and the people of the Pacific coast, have waited for this beneficent proposition long. They have waited hopefully. I grant that the Treasury is in a straitened condition; but if you wish to bind the Pacific States more closely to the Union and the Atlantic States—to make them faithful to the Union-loving members of this Confeder-

acy—there is nothing you can do that will incite and increase their patriotism more than to give them what they have a right to demand, a daily connection with the States on the Atlantic coast, from which they are so widely separated. It will be more potential than any bands of either iron or gold.”

The efforts of Mr. Colfax were not in vain; and that splendid overland system, of which the country is now so proud, is an emphatic endorsement of the wisdom of his views.

On the 4th of March, 1861, President Lincoln was inaugurated at Washington. Earnest efforts were made to induce the new President to call Mr. Colfax to his Cabinet, as Postmaster General; and these efforts would have been successful, but for the fact that Indiana had already been given her place in the Cabinet in the person of the Secretary of the Interior. For Mr. Colfax personally, and as a public man, Mr. Lincoln always entertained the warmest affection and esteem; and during the whole of his Administration, he rarely embarked in any public measure without first asking the counsel of his friend.

By the last of April the war was upon us; the people of the South had proclaimed open rebellion against the Constitution and laws of the land; had reduced Fort Sumter; and were gathering an army on the frontier of Virginia. The Thirty-Sixth Congress had adjourned on the 4th of March, and the President, as soon as it was found that war was inevitable, summoned the Thirty-Seventh Congress to convene on the 4th of July, 1861, for the purpose of devising such

measures as might be necessary for the restoration of the authority of the Union over the South.

During this Session, Mr. Colfax was again appointed Chairman of the Post-Office Committee, and his labors were directed principally to the task of providing the army with such mail facilities as would always enable the troops to be within easy and speedy communication with their families. His efforts met a hearty response from the House, and were the means of relieving many an hour of anxiety and fear for those at home who had loved ones "at the front."

On the 12th of July he introduced an amendment to the Post Office bill, allowing soldiers in the army to send their letters without prepaying the postage, which was to be collected at the point of destination. Said he, in explaining the effect of his amendment:

"There is no friend, wife, or sister, who would object to paying three cents for a letter. But if perchance they might be poor, there is not a town in the whole North where men would not be found around the post office who would most gladly pay the postage on a letter from the Army to any poor person who is not able to pay it."

The amendment was adopted, and became a law. On the 18th, he procured the passage of a law requiring that all prepaid letters to soldiers in any regiment in the service of the Union, and directed to a point where they had been stationed, should be forwarded, whenever practicable, to any other point to which they might have been ordered, without any further charge for postage.

He did not speak much during this short session, but worked hard and faithfully for the cause to which he had given his whole heart. The measures calculated to strengthen the Government and restore peace to the country, found him an earnest and hearty supporter, and his whole influence was cast in favor of a vigorous prosecution of the war. He had a firm faith in the ultimate success of the Union. Replying one day to Mr. May, of Maryland, who had spoken of the Rebel Government as "*established* at Richmond," he said: They, "thank God, are not yet and *never will be established* at Richmond." He favored a fair and impartial tax bill, and avowed his willingness to appropriate every cent necessary for the successful prosecution of the war. Said he:

"Sir, I am not much of financier. I only say that if you want the people to come up fairly and squarely to the support of this war, to give their money freely, as I have no doubt they are willing to give it to put down this unholy rebellion; if you want these fires of patriotism to continue to burn throughout the country, give them a tax bill which they can recognize as fair and equitable, under which the wealthy man and the poor man will pay their share; and then the men who are opposed to this war, and who are, I regret to say, giving, directly or indirectly, aid and comfort to the men who have offered twenty dollars bounty for every dead patriot they can find captured by privateers; who bayonet wounded soldiers on the battlefield; men who fire on flags of truce, and the ambulances conveying the wounded to hospitals, and outrage every rule of

civilized warfare,—I say, the men who who are aiding them, directly or indirectly, and strengthening their arms in this unholy rebellion, will have no means of prejudicing the public against the action of this Congress, by saying that we allowed the millionaire to escape from the meshes of the tax law, while we held the poor man within the grasp of the tax-gatherer. * * * I hope and trust and pray that the House will endeavor to devise an equitable system at the present session; one that shall sustain the credit of the country, and show to men at home, and to the nations of the world abroad, that we are ready to give up our men as well as our money, for the purpose of sustaining the flag of our country, and putting down armed resistance to the Constitution and the Union of these States.”

In the second session of this Congress, which met in December, 1862, his voice was heard oftener. He gave a vigorous support to the Administration. On the 7th of March, 1862, he made a powerful speech in behalf of General Fremont, defending him from the attacks of Mr. Blair, of Missouri.

When the country was shocked and stunned by the death of Colonel Baker, Mr. Colfax delivered the following beautiful eulogy upon the dead hero :

“Mr. Speaker, the funeral procession of the departed Baker has passed through the crowded streets of our Atlantic cities. The steamer, perhaps, to-day is bearing its precious burden between the portals of the Golden Gate. The thousands who, with enthusiastic acclaim, cheered his departure as a Senator, stand with bowed frames, and bared heads, and weeping eyes, to

receive with honor, but with sorrow, the lifeless remains that are to be buried in their midst. And there devolves upon us, his former associates, brought by the telegraph almost to the side of his open grave, the duty of rendering also our tribute of affection to his memory.

“To say that the deceased Senator was an extraordinary man, is simply to reiterate what the whole country has long since conceded. He carved out his own place in the temple of fame. He built his own niche in the American Valhalla. And if the French philosopher, D'Alembert, was correct in saying that there are but three ways of rising in the world—to soar, to crawl, and to climb—our friend's history is a striking exemplification of the last and worthiest of these ways. The hand-loom weaver boy of Philadelphia—the friendless lad, with his whole fortune in a meagre bundle, turning his face westward—the patient journey, footsore and weary, over mountains and valleys—the deputy in the clerk's office at Carrolton, patiently mastering the principles of the law—his rapid rise in his profession—his election to Congress from the capital of Illinois—his volunteering in the Mexican War, and raising, equipping, and marching his regiment within fourteen days—his brilliant charge at Cerro Gordo, when, following up the victory which his impetuous and dashing heroism had mainly won, he pursued the enemy for miles with fearful slaughter—his removal, on his return, to another Congressional District, which he carried by his wonderful eloquence against its previous political convictions—his removal to California—his thrilling oration over the murdered

Broderick—his triumphant canvass in Oregon—his election to the Senate by a Legislature, a large majority of which differed with him in their political associations—his brilliant and impromptu denunciations of traitors, whom, in the Senate Chamber, he prophetically hurled from the Tarpeian rock—his exchanging the robe of a Senator for the sword of a soldier—his daring struggle to wrest victory, against overwhelming odds, from fate itself—and his death at the head of his column, literally with his back to the field, and his face to the foe—what an eventful life, to be crowned by such a glorious death!

“We know not but that death may have been as welcome to him as life, especially when he fell in such a sacred cause. Some long for death on the battlefield, knowing that it is appointed for all men once to die, and that he who dies for his country is enshrined forever in thousands upon thousands of patriot hearts. Others who, if we could put a window in their breasts, we would find that they carried a burden of care or sorrow through life, feel that the shaft of death, when sped by its messenger, would have no pain for them. And with others, life is so joyous that the hour of their departure is one of gloom, and thick darkness encompasses the valley their feet must tread. But for our friend, who had won his way to his highest ambition, and who fell in the very zenith of his fame, in defence of the Constitution and the Union, charging at the head of advancing columns, careless of danger, of odds, or of death, leaving behind him a glory which shall survive long after his tombstone has moulded into

dust—we should rather weave for him a garland of joy than a chaplet of sorrow.

“I know there was sadness in the family which no earthly sympathy can assuage. I know there was sadness at the White House, where his early friends mourned their irreparable loss. I know there was sadness at the Capitol; sadness on the Atlantic Coast; sadness in the Valley of the Mississippi; sadness, as one of the first messages flashed along the wire he had so earnestly longed to see stretched from Ocean to Ocean, bore to the Pacific the tidings of their great loss. There was sadness around the camp fires of over a half million gallant volunteers, who, like him, had offered their lives to the country in its hour of trial. So, too, if the legends of antiquity intended to commemorate some patriotic sacrifice of life by the story of Curtius leaping into an open gulf to save the Roman Republic, was there sorrow doubtless at his fate. And sadness, too, when Leonidas, at the head of his feeble band, looked death calmly in the face, and gave up his narrow space of earthly life to live immortalized in history.

“But, though there may be sadness such as this, let us also rejoice that our friend has left behind him such a record and such a fame, heightened by his magical eloquence, and hallowed forever by his fervid patriotism. For, doubly crowned, as statesman and as warrior—

‘From the top of Fame’s ladder he stepped to the sky.’”

During the fall of 1862, elections were held for the members of the 38th Congress, and Mr. Colfax was

again nominated by his party. The country was then in the midst of its heaviest reverses, and the prospects of the Administration and its friends were exceedingly gloomy. It was a time when even the most loyal men of the land were inclined to doubt the wisdom of the Government, and when distrust and despondency prevailed everywhere. The Peace Democrats and Copperheads of the loyal States, encouraged by this state of affairs, boldly denounced the war as a failure, and everywhere made great gains in the elections. It was of the highest importance at such a time that a Congress, loyal to the heart's core, should be returned by the country, as the President needed its undivided support in the onerous task imposed upon him, and it became necessary for the friends of the Union to put forth their most strenuous exertions to secure the election of candidates pledged to the support of the Administration and the War.

In such a state of affairs, it was felt by the Republicans of the Ninth Indiana District that no man of their party but Mr. Colfax could be returned to Congress, and he was again nominated. The contest was close and exciting, but he was returned by a majority of 249, a large majority, under the circumstances, and due solely to his personal merit and popularity.

On the 5th of December, 1862, the Third Session of the Thirty-seventh Congress began its deliberations.

On the same day, Mr. Colfax offered the following resolution, which was adopted:

“Resolved, That the President be requested, if not incompatible with the public interests, to communicate

to this House any letters of the Mexican minister at Washington, or other correspondence or information in possession of the Government, relative to the present condition of affairs in Mexico."

On the 8th, Mr. Stevens, of Pennsylvania, introduced a bill to indemnify the President and those persons acting under his orders for the suspension of the writ of *habeas corpus*, and acts done in pursuance of the same. The bill was favorably received by the Republicans, but met with considerable opposition from the Democrats. It was finally passed, however, by a vote of 88 ayes; to 16 noes. Mr. Colfax gave the measure his warm support, as he believed it absolutely essential to the successful prosecution of the war, and in urging the passage of the bill, said :

"I differ with the gentleman from New York in regard to this matter, *in toto*. The proffer was made by the gentleman from Pennsylvania to gentlemen on the other side of the House to postpone the bill, and make it a special order. They rejected it, as they had a right to do. Then the question comes up whether the bill shall lose its place by not being made a special order, or should be passed at once. I think a majority of the House are prepared to pass the bill now. Instead of being any thing discreditable, I think it would be highly creditable to the House to pass the bill at this early stage of the session. We all understand the whole question. It has been discussed all over the land whether the President should have authorized the suspension of the *habeas corpus* as to persons charged with treason, or with sympathizing with it during this

rebellion, or not. All that has been done has been done by his authority communicated to his Secretaries and through them to others. I stand ready to pass a bill indemnifying him. I took the responsibility before my constituents of indorsing his action throughout as a whole, intended as it was to save the Republic, and to cripple the power of its enemies. We have either to vindicate him as now proposed, or leave him to be persecuted as soon as he retires from office by those whom he arrested. I rejoice that I have this opportunity of voting for this bill, and I hope it will pass at once."

His intimate relations with the President had taught him an abiding faith in the purity and patriotic wisdom of that great and good man, and he knew that the power thus entrusted to him would not be wrongfully used, and his knowledge of the difficult task before the Government, convinced him of the vital importance of such a measure on the part of Congress.

He exerted himself in favor of the admission of the new State of West Virginia into the Union, and contributed greatly to the result by which that noble young Commonwealth obtained its present position in the galaxy of the States. On the 9th of December, he made a powerful appeal in favor of the bill for this purpose.*

On the 15th of December, he introduced a resolution for the reduction of the duty on imported paper from thirty-five per cent. to ten per cent. The resolution came up in the House on the 12th of January, 1863, but was defeated.

* For this Speech, see Appendix, V.

Early in the Session the Post Master General made a communication to the House, urging upon it the necessity of conferring the franking privilege upon the Military Governors of the Rebel States. The matter was referred to the Post Office Committee, and on the 6th of January, 1863, Mr. Colfax, as Chairman of that Committee, made an adverse report upon the measure.

On the same day he reported a bill to authorize additional mailable matter. The bill was read in extenso, and finally passed. It is the law which provides that the Post Master General shall be authorized to permit articles not included at the time of the passage of the bill, in the schedule of mailable matters to be sent through the United States mails at rates now established for book postage, not exceeding in weight the maximum now established by law. In presenting the bill, Mr. Colfax gave the following clear explanation of the benefits of the system: He said,

“Mr. Speaker, this bill is founded upon petitions from all parts of the country. Congress is asked that the people everywhere, who have friends in the Army, may be allowed to send through the mails articles which are not now included in the schedule of mail matter. The existing law is very strict in providing what is mailable matter. At the last Congress, the schedule was extended so as to embrace maps upon rollers, seeds and cuttings, phonetic envelopes, &c., not over four pounds in weight, at one cent per ounce. Still the law does not include a number of little things which friends at home would like to send to their

friends in the Army. The bill only authorizes the Postmaster General to permit such articles to pass through the mails as additional mailable matter. It properly leaves the subject to the discretion of the Postmaster General, who will of course exercise it judiciously. There can be no reason, founded on principle, why books less than four pounds in weight should be allowed in the mails at one cent per ounce, and boots of the same weight, for a soldier, prohibited. Why admit seeds and cuttings, often with damp earth around them, at one cent per ounce, and prohibit stockings and mittens, sent by loved friends at home to their soldier kinsmen in this wintry season—prohibited, or only allowed at letter postage rates, six cents per ounce? Maps on rollers, the most inconvenient and vexatious of all mailable matter, are permitted at one cent per ounce; why not a flannel shirt as well, when it is doubly valuable as a memento of affection and a preservative of health? Express companies do not always follow armies, nor can they always deliver packages to the soldiers. But the mail always follows the flag. I think I need not add any argument to this plain presentation of facts, but hope the bill will be at once and unanimously passed. A similar bill, reported by me, passed this House at its last session, but failed in the Senate. I hope now it may, if passed here, meet with better success at the other end of the Capitol.”

On the 19th of January, he introduced measures for the more efficient collection of the revenue, which were referred to the Committee of Ways and Means.

On the 20th of January, the Committee on Elec-

tions reported a resolution that Mr. Vandever, one of the members from Iowa, was not entitled to his seat in the House, in consequence of having been mustered into the service of the Union as Colonel of the Ninth Iowa regiment. The resolution drew forth considerable debate, being warmly contested, as it involved the whole question of the right of a member to hold a military commission and at the same time retain his seat. Mr. Colfax earnestly opposed the passage of the resolution, declaring that it was not fair to an absent member to exclude him from his seat for his patriotism. His speech is so very interesting that it is given, for the benefit of the reader, at the close of this volume.*

The Rebel President, having refused to exchange or parole the captured officers of our army, Mr. Colfax, on the 30th of January, took steps to bring about a discontinuance, on the part of the Government, of the practice of paroling or exchanging Rebel officers, if such steps had not been already taken by the military authorities. He was in favor of meting out to the prisoners held by us the same treatment accorded by the enemy to the Union prisoners in their hands.

On the 11th of February, the Committee on the District of Columbia reported a bill to reduce the fare on the Washington and Georgetown Passenger Railway from five to three cents, a measure which would have ruined the Company. Mr. Colfax opposed it earnestly, and owing to his exertions the measure was defeated, by the bill being laid on the table, yeas 82; nays 22. The following is the closing portion of the

* See Appendix, VI.

debate on the measure, and embodies the remarks of Mr. Colfax:

“Mr. Colfax.—Mr. Speaker——

“The Speaker.—Does the gentleman from Virginia withdraw the previous question?

“Mr. Segar.—I will, if the gentleman from Indiana will renew it.

“Mr. Colfax.—I suggest to my friend from Virginia that it is not exactly fair to make a speech and then call the previous question.

“Mr. Segar.—Both sides have been heard.

“Mr. Holman.—I hope my colleague will not place himself in the position of accepting the floor on a pledge to call the previous question.

“Mr. Colfax.—The House can vote it down. When this bill was introduced by the gentleman from Illinois, I could not suppose that he was in earnest in desiring to press it on the American Congress at this session.

“Mr. Washburne.—I never was more in earnest.

“Mr. Colfax.—I heard something to-day from my friend from Illinois about complaints of laboring men in regard to this road; but I have yet to hear of one solitary laboring man in the District of Columbia who has petitioned us to change the charter of this road as the gentleman proposes. It is well known that before the establishing of this road the man who resided in Georgetown, and worked in the Washington navy-yard, had to pay ten cents to ride, by two omnibus lines, to the place of his employment. He now rides for five

cents, in less time and with better accommodations, and is abundantly satisfied with the change.

“Mr. Holman.—Will not my friend add that the laboring men of both branches of Congress, especially of the House of Representatives, are ‘dead-heads’ on this road?

“Mr. Colfax.—I suppose my friend is a ‘dead-head’ too, as he is one of the laboring men of this House. [Laughter.]

“Mr. Holman.—My colleague is also.

“Mr. Colfax.—As to the idea of free tickets influencing members one way or other, I do not suppose that any member regards himself as so influenced. Certainly the gentleman from Illinois has not been.

“Mr. Washburne.—I desire to say, for one, that I have no free ticket.

“Mr. Colfax.—I am sorry my friend has stated that fact, because it might be thought that that was the motive of his action.

“Mr. Washburne.—I did not think proper to receive it, and I sent it back.

“Mr. Colfax.—I hope that my friend does not do that with all the railroad tickets sent to him; but I assure him that I do not. I am perfectly willing to receive as many as the companies see fit to send, and have never supposed that my independent action would be controlled by receiving them.

“Now, in regard to the complaint as to the excess of fare, will the gentleman from Illinois point out to me any city in the Union where street cars are running at three cents fare? I know of none. I know that

this road has as heavy grades as can be found in any city of the Union for the cars to run on. We know that the cost of feed, and the wages of conductors and drivers are larger here than in any other city. In Philadelphia, a city of a large population, passengers have to pay seven cents for transfer tickets, if they desire to ride on two connecting roads. In New York they have to pay ten cents. Here, passengers are transferred from one line to another, so that they can ride on three different lines for five cents.

“Mr. Thomas, of Massachusetts.—I wish to ask the gentleman from Indiana, and the gentlemen who are interested on that side of the House, whether the equal rights of colored persons are secured on these cars? I have seen a poor colored woman riding on the front platform in a snow storm, and I understand that that class of persons are excluded from the cars. For one I protest against that. [Laughter.]

“Mr. Colfax.—I was not aware that the African was to be brought into this street-car discussion, or I should not have participated in it. The question of the gentleman from Massachusetts I am unable to answer. I do not know what municipal regulations there are on the subject.” [Mr. Lovejoy rose.]

“Mr. Colfax.—I decline to yield just now, for I do not wish to prolong the discussion. I rose to speak briefly, and will not detain the House more than a minute or two. Now, it may be that these proprietors may have found the running of the city cars during the present winter profitable. There have for some time past been an unusual number of people in the

city, owing to the proximity of the army of the Potomac. But I hope the time will not be far distant when that army of the Potomac will remove to a greater distance from Washington. It is also well known that the presence of Congress in the city also very materially increases the population for the time being. This population will be considerably decreased at the close of the session, which is drawing near. And gentlemen know that Congress is in session here only nine months out of the twenty-four.

“Now, sir, when this company have furnished finer cars than I have seen in any other city—finer than any in the city of New York; when they transport their passengers over three lines of railroad for one fare of five cents; when they received this charter—let it be remembered, not given as a favor to any corporation, for Congress refused to extend any such favor; but the charter was made open to the entire world to subscribe—the persons who, under these circumstances, subscribed the stock of the company are fairly entitled to all the benefits of the charter; and when they have performed all that devolved upon them under their charter, I say it would be an act of bad faith upon the part of Congress to strike down their powers. I grant that Congress did reserve to itself the right to reduce the rate of fare. We have the power, if we see fit to use it arbitrarily, to reduce the fare to one cent, and destroy the railroad entirely; but whether any one would risk his property thereafter upon the faith of Congress might well be doubted.

“Now, let me say to the gentleman from Illinois

[Mr. Washburne], who undertook to speak in behalf of the laboring man, that we have provided for the laboring men of this city, not only facilities for travel which they have not enjoyed heretofore, but greater facilities than are enjoyed in any other city. At any rate, before I will, by my vote, make the change in the charter of this company which this bill proposes, I must have the petition of some man or woman in the District of Columbia for the change. And as to the remark of my friend as to the cars being often crowded, we all know that in New York it is often impossible, on some of its street railroads, to get even standing room coming down town in the morning, or going up town in the evening.

"I now, in obedience to my promise, demand the previous question, though I shall myself vote against it if the House desires to continue the discussion.

"Mr. Lovejoy.—Is it in order to move to recommit the bill with instructions?

"The Speaker.—It is not while the motion for the previous question is pending.

"Mr. Sheffield called for tellers on seconding the demand for the previous question.

"Tellers were ordered; and Messrs. Olin and Delano were appointed.

"The House divided; and the tellers reported—ayes 82, noes 17.

"So the previous question was seconded.

"Mr. Lovejoy.—I rise to a privileged question. I move to reconsider the vote by which the previous question was seconded.

"The Speaker.—That motion is not in order. It is not in order to reconsider a vote which has been partially executed.

"Mr. Covode.—I move to lay the bill upon the table.

"Mr. Washburne.—I rise to a question of order. I want to know whether, if the bill is laid on the table, it will carry with it the amendment which compels this company to show their hands?

"The Speaker.—The vote laying the bill upon the table would carry the whole subject with it.

"Mr. Washburne.—Then I hope it will not be laid on the table. I want this Pennsylvania company to be made to show their hands.

"The question was taken on Mr. Covode's motion; and there were—ayes 82, noes 22.

"Mr. Washburne demanded the yeas and nays.

"The yeas and nays were not ordered.

"M. Washburne demanded tellers on the yeas and nays.

"Tellers were not ordered.

"So the bill was laid on the table.

"Mr. Washburne.—I give notice that on the first day of next Session I will introduce this bill, and that I will press it to a vote.

"Mr. Colfax.—I hope my friend from Illinois will accept his free ticket now. [Laughter.]"

On the 11th of February, the Naval Appropriation Bill being under consideration, he obtained the passage of an amendment giving to each of the members of the House during that Session, the privilege of appointing

one additional Midshipman to the Naval Academy.

On the 13th, he introduced, in behalf of the families of our dead heroes, the following resolution, which was agreed to :

“Resolved, That the Second Auditor of the Treasury be directed to inform the House of Representatives whether some plan cannot be devised by which the bounty of \$100 can be promptly paid to the families of deceased Volunteers, leaving only the claims for arrears of pay to be settled by the pay-rolls.”

Indeed, all through the war, the army and navy found in him a warm and ready friend ; and there was no measure for their relief or comfort that did not meet an active and energetic support at his hands.

He sustained the measures of the Administration during this Session, exerting himself throughout to place the Government in possession of every thing and every power necessary to carry on the war. Success—the reëstablishment of the authority of the Union over the whole South—was the first consideration with him. Every thing else was made subordinate to this ; and his patriotism was as hopeful as it was energetic. This is clearly shown by the following remarks, which he made in the House on the 27th of February, 1863 ; and which are also interesting as a statement of his views upon the financial measures of that day :

“I regret to see the gentleman from Illinois [Mr. Washburne] exhibit such warmth, because I am almost certain that on the yeas and nays the House will concur in the Senate amendment. The discussion has

taken a range in regard to the Bank bill recently passed. I voted for that bill, after a good deal of hesitation and deliberation. I will state to the House frankly, as I made no speech on that subject, what finally influenced my decision. It was because the Secretary of the Treasury declared his belief that the measure was necessary among other things to strengthen the credit of the Government by making a new demand for bonds. It was on the same ground that I voted for the Tax bill. The result proves the correctness of the Secretary's decision; for the bonds of the United States have since gone up in the market from ninety-three cents to above par.

"Now, if there is one thing in which the Tax bill of last Session is defective—and I acknowledged it when arraigned before my constituents for it—it is that while it taxes the promissory notes of individuals by compelling the use of a stamp, it does not tax the promissory notes of banks which circulate as money. I am no enemy to the banks. In the political school in which I was raised I was taught to be friendly to the banks to a reasonable degree. But the banks should bear their share of the common burden, and that is the pole-star of duty that guides me in all my votes on these measures.

"Gentlemen complain that we are going to crush the banks because we propose to tax them one per cent. on their circulation for the next two years, and two per cent. afterwards. Now, the manufacturers in the rural towns and villages throughout the country have to pay not one per cent., but three per cent. on their

entire business. Sometimes they pay the tax two or three times on the various articles entering into the manufacture, as was shown in the discussions yesterday on the amendatory Tax bill in the Committee of the Whole on the state of the Union. My friend from Massachusetts [Mr. Dawes] says the banks also pay three per cent. on their business. Not so. They pay three per cent. on their profits, not on their business. They pay no license even as bankers; while licenses have to be paid by retail dealers, wholesale dealers, and even by newspaper proprietors before they can carry on their business. Even the stamp of two cents on bank checks is not paid by the banks, but by individuals.

"Now, the only question that concerns me in the difference between the two Houses is this: which of the two modes proposed is the most just and equitable? The proposition of the House is to tax the excess of circulation of banks over a certain percentage of their capital. The effect of this would be to exempt entirely from the tax the large banks of New York, with their immense deposits and small circulation, and to bear heavily upon the small country banks.

"Mr. Dawes.—So it is under the Senate proposition.

"Mr. Colfax.—No, sir; the effect of the Senate provision is that the entire issue of a bank is to be taxed. There is no sliding scale. If a bank issues \$100,000 or \$1,000,000, it is taxed one per cent. on the whole. I think that is equitable to all.

"My friend from Massachusetts spoke about the

relief which the banks extended to the country in the hour of peril. I wish to render my homage to the banks for their patriotism at that trying hour. They acted like corporations that had souls. They acted like patriots in their advances to Government in its hour of need; and they have received an abundant reward in the large interest they have received, and in the dividends they have thereby been able to divide among their stockholders. Are there not others, however, who have made sacrifices for their country in the hour of peril? My constituents have offered their living treasures on the altar of the country as the banks risked their golden treasures. But my constituents have no exemption from the payment of taxes, although their sons have been stricken down on the battle-field. They pay their burdens. They pay them cheerfully. Everywhere before them I sustained the principle of the Tax bill. I vindicated it; explained it; defended it. And though I knew its imperfections, I told them that if they struck me down for voting for that Tax bill, even with all its imperfections, they might do so. But these inconsistencies and errors I shall always vote to correct when opportunity offers.

“Now, I have said all that I desired to say. We tax all branches of business that the Committee of Ways and Means, with its great acumen and diligence, could hunt up to pay taxes. They found this session a few that they had omitted last session, and they have incorporated them in the amendatory tax bill. We compel the use of stamps all over the country, so that if two farmers trade horses, and there is a note given

for the difference, that note must have a stamp affixed, although they may have to travel twenty miles to the country town to get one. Our constituents are willing to bear all this. They do not condemn the Administration or Congress for it. They do not assume that this is an act of hostility against them. So we say the banks ought to bear their portion of the burdens of the war, and pay without a murmur this tax of one per cent. on their circulation for the next two years. If during that time it is shown that two per cent. would be too high for succeeding years, it can be modified. I do not vote for it to crush banks, but as a revenue measure, and to equalize the burdens of taxation."

Here the whole secret of his public action is stated—the good of the country. He is always ready to lay aside his private wishes and opinions for the sake of the country, which is to him far dearer than himself.

The postal service also received his careful attention. New routes were established, providing the most remote States and Territories with ample mail facilities, and bringing all parts of the country within easy communication with the National Capital. He also procured the passage of a bill, making the rates of postage on letters and newspapers uniform all over the country, changing the compensation of Postmasters from varying commissions to fixed salaries; establishing the free carrier system, which is now working admirably in all our large cities; reducing the rate of postage on returned dead letters, and making many

other important and valuable changes and reforms. His arguments in favor of the bill were clear and forcible, and are interesting as presenting a useful statement of the postal system of the country.*

* See Appendix, VII.

CHAPTER VII.

Meeting of the 38th Congress—Mr. Colfax elected Speaker—Statement of the Vote—Remarks on taking the Chair—How the Speech was received—Conduct as Speaker—Measures of the 38th Congress—Moves to expel Mr. Long, of Ohio—Speech in support of his Resolution—Debate in the House—A sharp Colloquy—Fairness of Mr. Colfax—Close of the Session—Remarks of the Speaker—Second Session of the 38th Congress—Mr. Colfax's Conduct as Speaker—Resolution of Thanks—Remarks of Messrs. Cox and Dawson—Adjournment of Congress—Address of Mr. Colfax.

THE First Session of the Thirty-Eighth Congress met on the 7th of December, 1863. Soon after the House was called to order by the Clerk, Mr. Washburne, of Illinois, moved "that the House now proceed *viva voce* to the election of a Speaker of the House of Representatives for the Thirty-Eighth Congress." This motion being agreed to, Mr. Washburne said,

"Mr. Clerk, I nominate for Speaker of this House, Mr. Colfax, of Indiana."

This nomination was greeted with a burst of applause, which neither the time nor the place could restrain, and the House, after the other nominations were made by the Opposition, proceeded to vote *viva voce*, with the following result, which was announced by Mr. Pendleton, of Ohio, on behalf of the tellers :

Whole number of votes cast, 181 ; necessary to a choice, 91 ; of which—

Mr. Colfax received	101
Mr. Cox	42
Mr. Dawson	12
Mr. Mallory	10
Mr. Stebbins	8
Mr. King	6
Mr. Blair, of Missouri	2
Mr. Stiles	1

The Clerk then announced that Schuyler Colfax, one of the Representatives from the State of Indiana, having received a majority of all the votes given, was duly elected Speaker of the House of Representatives for the Thirty-Eighth Congress, and this announcement was again the occasion of enthusiastic applause from the galleries and the floor. It was evident that the new Speaker was to commence his administration under the most favorable auspices.

At the suggestion of the Clerk, Messrs. Dawson, of Pennsylvania, and Cox, of Ohio, conducted Mr. Colfax to the Chair. Taking his place at the Speaker's desk, Mr. Colfax then addressed the House as follows :

“Gentlemen of the House of Representatives: To-day will be marked in American history as the opening of a Congress destined to face and settle the most important questions of the century ; and during whose existence the rebellion, which has passed its culmination, will, beyond all question, thanks to our Army and Navy and Administration, die a deserved death. Not only will your constituents watch with the strictest scrutiny your deliberations here, but the friends of

liberty, to the most distant lands, will be interested spectators of your acts in this greater than Roman forum. I invoke you to approach these grave questions with the calm thoughtfulness of statesmen, freeing your discussions from that acerbity which mars instead of advancing legislation, and with unshaken reliance on that divine Power, which gave victory to those who formed this Union, and can give even greater victory to those who are seeking to save it from destruction by the hand of the parricide and traitor. I invoke you also to remember that sacred truth, which all history verifies, that 'they who rule not in righteousness shall perish from the earth.' Thanking you with a grateful heart for this distinguished mark of your confidence and regard, and appealing to you all for that support and forbearance, by the aid of which alone I can hope to succeed, I am now ready to take the oath of office, and enter upon the duties you have assigned me."

Mr. Washburne, of Illinois, then administered to the Speaker elect the following oath :

"I, Schuyler Colfax, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power,

or constitution within the United States, hostile or inimical thereto. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God."

The speech was greeted with loud applause during its delivery and at its close, and when the oath was administered these demonstrations became overwhelming. Though grateful for these expressions of popular regard, Mr. Colfax felt called upon to preserve the dignity and decorum of the House, and appealing to the members and galleries to preserve order, said:

"The Chair, invested by the rules with the authority for the preservation of the order and decorum of the House, appeals to members not to indulge in manifestations of approval or disapproval. The Chair will state to the spectators in the gallery, that this is a deliberative assembly, and that no manifestation of applause or dissent can be allowed. Each doorkeeper will promptly take such persons from the galleries, for the order of the House must be maintained at all hazards."

Being charged with the duty of presiding over the deliberations of the House, Mr. Colfax was not connected with any special measure of the session, and a brief resumé of the acts passed may be interesting to the

reader, and at the same time aid in making this narrative complete. Acts were passed making more efficient the laws for the enrollment and draft; the finances were placed on a sounder basis; the grade of Lieutenant-General was revived in the regular army of the United States, for the purpose of rewarding the gallant and glorious services of General Grant; a uniform system of ambulances was established in the army; acts were passed to enable the people of the Territories of Nevada, Colorado, and Nebraska to form State Governments and frame Constitutions; the homestead law was amended and made more effectual; the coinage of cents was improved; a fair system of admeasurement of the tonnage of ships and vessels was established; the postal money order system was established; a national currency, secured by United States bonds was established; instruction was provided for youths in the District of Columbia; the duties on imports were increased; rigorous and prompt punishment of guerrillas was authorized; aid was given to the construction of a telegraph and railroad from Lake Superior to Puget Sound, on the Pacific; additional inducements were offered to emigrants from foreign countries; and the thanks of Congress and the nation tendered to Generals Grant, Banks, Burnside, Hooker, Meade, Howard, Captain Rodgers of the Navy, Cornelius Vanderbilt, and to the volunteers who had reënlisted.

The only proceeding of importance with which Mr. Colfax was identified as a member simply, was the following:

On the 8th of April, 1864, the House being in Committee of the Whole upon the consideration of the President's Message, Mr. Long, of Ohio, made a speech which gave great offence to the loyal members of the House. In this speech he astonished the House by declaring that he was in favor of recognizing the independence of the Rebel Confederacy. This declaration was promptly rebuked at the time of its delivery, by General Garfield, of Ohio, and was the subject of great indignation on the part of Union men everywhere.

The next day, April 9th, Mr. Colfax, calling Mr. Rollins, of New Hampshire, to the Chair, as Speaker *pro tempore*, took his place on the floor of the House, and offered the following resolution :

“ *Whereas*, on the 8th day of April, 1864, when the House of Representatives was in Committee of the Whole on the state of the Union, ALEXANDER LONG, a Representative from the second district of Ohio, declared himself in favor of recognizing the independence and nationality of the so-called confederacy now in arms against the Union ; and whereas the said so-called confederacy, thus sought to be recognized and established on the ruins of a dissolved or destroyed Union, has as its chief officers, civil and military, those who have added perjury to their treason, and who seek to obtain success for their parricidal efforts by the killing of the loyal soldiers of the nation who are seeking to save it from destruction ; and whereas the oath required of all members, and taken by the said ALEXANDER LONG on the first day of the present Congress, declares ‘ that I

have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility to the United States,' thereby declaring that such conduct is regarded as inconsistent with membership in the Congress of the United States: Therefore,

"*Resolved*, That ALEXANDER LONG, a Representative from the second district of Ohio, having, on the 8th of April, 1864, declared himself in favor of recognizing the independence and nationality of the so-called confederacy now in arms against the Union, and thereby 'given aid, countenance, and encouragement to persons engaged in armed hostility to the United States,' is hereby expelled."

Mr. Colfax then spoke as follows:

"Mr. Speaker, before presenting this resolution I reflected, as it was my duty to do, seriously on the obligations under which, in consequence of my position, I feel I am placed. I recognize that there is a double duty incumbent on me; first to the House of Representatives whose kindness has placed me in the principal chair to administer the duties of that chair and the rules of the House faithfully and impartially to the best of my ability and judgment. That, I can say sincerely and conscientiously, I have endeavored to do, and shall so endeavor until this Congress expires by its constitutional limitation. But I feel that I owe still another duty to the people of the ninth congressional district of Indiana, who sent me here as their Representative to speak and act and vote in their stead. It is in conformity with this latter duty to those who cannot speak here for themselves and who,

I believe, would indorse the sentiment of this resolution, that I have felt it my duty to rise in my place as a member of Congress from the State of Indiana and offer this resolution.

"I need scarcely say to gentlemen on the other side of the House, or to my own fellow-members near me, or to that one particularly referred to in this resolution, that it is prompted by no spirit of personal unfriendliness toward him. My relations with him personally have been cordial during the entire time that we occupied seats as members. Nothing has marred those relations. But I rise to offer this resolution in the performance of a high public duty which I felt I could not myself shirk or evade. It is a duty I owe, not only to those of my constituents who are at home, but to the many thousands of them who are in the tented fields meeting the armies of the confederacy in deadly conflict and exposing their lives for the safety and perpetuity of this imperiled Union. Nay, more, sir, I owe it to the many widowed and orphaned families in my district whose natural protectors have been stricken down by the bloody hand of treason, and lost to them in this world forever.

"I believe in the freedom of speech. I have not heard any thing on this floor during this Congress that would have prompted me to offer this resolution except the remarks made yesterday by the gentleman from Ohio, [Mr. Long.] He declared distinctly, in so many words, that he was in favor of the recognition of this so-called confederacy, and recognition is the recognition of its independence and its nationality as

one among the nations of the earth. The flag of this confederacy was thus boldly unfurled here by a gentleman who had taken the oath at the opening of Congress—and I have no doubt truthfully—that up to that time he had not given any aid, countenance, or encouragement to those who are engaged in armed hostility against the United States. Believing that that oath shows that those who do thus give aid and countenance and encouragement to those engaged in armed hostility against the United States are not worthy of membership here in a Congress of the United States, I felt it my duty at least to ask the House of Representatives to pass their judgment upon it.

“I have offered this resolution not as the result of a consultation with any persons upon the floor of this House, but upon my sole and entire responsibility; and I say here deliberately and solemnly that if what fell from the lips of the gentleman from Ohio [Mr. Long] yesterday is to pass unrebuked by this House, then you have no right to complain of any foreign government on the face of this earth that recognizes the independence and nationality of this confederacy, which, within your own walls, under your own flag, by one associated with you in the Government of this country, was publicly avowed as his preference and his conviction.

“The gentleman from Ohio, [Mr. Cox,] the colleague of the gentleman [Mr. Long] named in this resolution, I see claiming the floor opposite; and I have this to say before I close my remarks, which shall not extend to much length, that if any gentleman from the

other side of the House feels it would be more proper for any of them, having been in the same political affiliation with the gentleman from Ohio, to show his disapprobation of these remarks by offering a resolution of this kind, I will gladly withdraw mine and allow them to offer it. History, sir, with its impartial pen will state hereafter, if not now, that it would be more fitting and more appropriate they should have done here (but what none have seen fit to do) what I have thought my duty—offer this resolution.

“ Now, Sir, if by the quiet and tacit assent of this House as a House of Representatives this sentiment is to go unquestioned by the Representatives of the United States of America here assembled, then I say you should stop shooting your deserters from the Army, for they have not turned their backs upon the obligation which they have assumed any more influentially by their leaving the flag which they had bound themselves to sustain than has a gentleman who will rise in his place in Congress and state that he is in favor of the men who seek the destruction of this land and the dissolution of the Union by recognizing them as one of the nations of the earth. Nay, more. You should call no more soldiers into the field to endeavor by the peril of their lives to save this country, because it is a solemn mockery to do if from this Hall shall go forth words of encouragement to strengthen those arrayed against them in an unholy and parricidal work. If we allow this to pass here unquestioned and unrebuked, how can we deny to others abroad the right to recognize the establishment of the so-called southern con-

federacy among the nations of the earth? Can you propose to go to war with any foreign nation who may do this and yet, by opposing this resolution, justify and indorse the open avowal of a similar desire in this Hall?

“Mr. Speaker, we have seen, since this rebellion opened, the other branch of the Federal Congress, at the opposite end of the Capitol, expelling a Senator from my own State. What for? For sending a letter of introduction by a gentleman to the rebel chief who presides at Richmond. For that letter of introduction, thus giving aid and comfort to those in armed hostility to the United States, the Senate of the United States expelled him by two-thirds vote. I have nothing to say in regard to the politics of my own State, but I have this to say, that a Legislature sat afterwards in my State of the same political views with the expelled Senator, and they had the power to elect two United States Senators, one for the long term and another for the short term. A majority of that Legislature; Sir, recorded their votes of approval of the action of the Senate by refusing to send—although they had the power—that Senator back to his seat in the United States Senate.

“One or two years ago, perhaps less than one year ago, Ohio was excited by the arrest of a former member of Congress for declaring in strong language his hostility to military order. His friend went before the people in that State on the issue of the injustice done him, and by a majority of one hundred thousand they declared their approbation of that act of military au-

thority, and the highest court of judicature in our land, the Supreme Court of the United States, refused the other day to reopen or review that judgment.

“Mr. Speaker, I have but a word more to say, when I will leave the floor to the gentleman from Ohio, [Mr. Cox,] who seeks it. If this bold and frank avowal, for bold and frank it was, by a member of Congress representing a free district in a loyal State, if this is to go unrebuked by this House, I ask you how you are to close these doors against those who are now sitting at Richmond in the confederate congress, those who have not been in arms against the United States but have been sitting in that congress giving aid and comfort to the arms of the rebellion against the United States? Their hands are stained with no blood, perhaps; they could come here with no blood, as soldiers, upon their skirts; but they may seek to come here, if this is to be the law of this Congress, fresh from the conclave of this confederate congress, saying to us, ‘We have done no more at Richmond than has been done upon this floor by the member from the second district of Ohio in your presence, unrebuked upon the floor by Congress.’

“But it is because of its effect abroad that I have offered this resolution. If there is any danger threatening our imperilled Union after the valor of our soldiers has caused the area of the rebellion to become ‘small by degrees and beautifully less,’ it is the recognition of the confederacy by foreign nations. On a motion of the gentleman from Maryland [Mr. Davis] the other day, this House by a unanimous vote, in which I be-

lieve the gentleman from the second district of Ohio participated, declared that we would not allow any foreign country to plant a nation on the prostrate ruins of a republic anywhere upon the American continent; and yet, Sir, when we assent by our silence to a proposition to recognize this confederacy, we not only assent to the planting of a foreign nation upon the soil of this continent, but one upon the soil of our own beloved Union. Nay, more than that, when he has seen, when I have seen, when you have seen, and every member upon this floor has seen the emissaries of this rebel confederacy bowing the knee to every sovereign in Europe, asking an alliance with them, and saying in their confederate congress that they would prefer allegiance to a foreign prince than to remain part and parcel of this Union, do not we know that when their independence is acknowledged and recognized there will be an alliance, in their weakness, to make them stronger, with any foreign nation, power, or potentate that sees fit to enter into treaties with them, and then upon that soil, once belonging to the United States, foreign armies will be landed and their forces joined to that of those traitors to invade our own country and destroy our armies and even the liberties of our people? You have no right to pass resolutions like that offered by the gentleman from Maryland, warning foreign nations, if upon your own floor and by your deliberate assent and vote you declare and avow the sentiments uttered here yesterday by refusing to rebuke and condemn them. I have now performed my duty, and leave the rest to the House."

Mr. Colfax was replied to by Mr. Cox, of Ohio, who maintained that Mr. Long ought not to be expelled for his remarks, and that the words of the speech could not be fairly made to bear the meaning which Mr. Colfax's resolution gave to them.* Mr. Cox having arraigned Mr. Colfax personally in the course of his remarks, the following sharp colloquy ensued :

"Mr. Colfax.—Will the gentleman from Ohio yield to me ?

"Mr. Cox.—With the greatest pleasure.

"Mr. Colfax.—In reply to the remarks of the gentleman from Ohio, I have to repeat that the gentleman from Indiana upon this side of the House does not speak in the midst of another gentleman's speech by his courtesy, liable to be stopped by him as the gentleman stopped his colleague recently. He speaks when he obtains the floor, and has no secret about his opinions in regard to any subject.

"Mr. Cox.—Oh ! Mr. Speaker, when the leading man of this House comes down from his high position to offer a resolution to expel a member who comes here by the same right that he does, he cannot escape on account of his peculiar dignity. When he descends to this floor, the common platform of us all, and condescends to mingle with us in debate, he cannot and

* It is but fair to Mr. Long, to give the following extract from his speech, which is the most pointed, though Mr. Colfax declared that his resolution was based upon the whole speech. Mr. Long said :

"I now believe there are but two alternatives, and they are either the acknowledgment of the independence of the South as an independent nation, or their complete subjugation and extermination as a people ; and of these alternatives I prefer the former."

shall not escape. Is he or is he not in favor of the doctrine laid down by the President in the extracts which have been read? That is a very simple question. You will lose no dignity, sir, by answering it now. [Laughter.] We will look upon you with pride and pleasure as the Speaker of this House, if you will condescend to delight us by evincing your opinion upon that subject. I pledge myself that you shall not be interrupted.

“Mr. Colfax.—In reply only to the personal remarks of the gentleman from Ohio, I say this to him: that when I appear upon this floor I do not *condescend* from that chair. The position of a member upon this floor is as exalted and responsible as the position of him who sits in that chair to administer your rules. The gentleman brings a reproach upon himself and upon his fellow-members upon this floor, when he sneers at me and speaks of me, when I appear upon this floor as the representative of my constituents, performing my duty, as *condescending*. The highest position a man can hold in this House is that of a representative of one hundred and fifty thousand people, sent here by their willing votes, and not by a mere majority of votes elected here as the presiding officer of this body.

“Mr. Cox.—Mr. Speaker, I did not make any personal remarks in regard to my distinguished friend. Far be it from me to throw any stain upon him for his condescension. I admire him too much for his fairness and justice in presiding over our deliberations to reproach him. Never has he heard a word of that kind

from me. But when he comes down from his exaltation to this floor, and undertakes to engineer a resolution through this House for the expulsion of a brother member, he must take the consequences of the debate which he inaugurates.

“Mr. Colfax.—I am willing to do so, perfectly willing.”

Mr. Colfax was influenced in his course by no hostility to Mr. Long. During the debate, he said :

“While up, I will say also in this connection, that when I shall rise to close the debate and move the previous question, while the rules would give me the right to make the closing speech, I do not desire to avail myself of that privilege. I desire that the gentleman from Ohio [Mr. Long] shall have the privilege accorded to him of closing the debate after I have submitted the remarks I may have to make. I wish to do him full justice, and I shall ask the House to accord to him that courtesy, with this reservation, that should the gentleman, in the course of his observations, depart from the merits of the controversy and indulge in remarks personal to myself, I shall ask the privilege of reply.”

The debate was continued until the 14th of April, and was conducted with great ability, by both those who favored and those who opposed Mr. Colfax's resolution. On that day, Mr. Colfax called the previous question on his resolution, and supported it in a speech of great power. When the vote was taken, his resolution was lost, and the following adopted in its stead :

“*Resolved*, That said Alexander Long, a Repre-

sentative from the second district of Ohio, be and is hereby declared to be an unworthy member of the House of Representatives."

So the matter ended in this severe censure of Mr. Long.*

The session was closed on the 4th of July, 1864, by the report of the Committee appointed to wait on the President, that he had no further communication to make to the House, except to send a "God bless you" to each of the members. The hour of half past twelve o'clock, p. m., having arrived, Mr. Colfax dismissed the House with the following remarks :

"Gentlemen of the House of Representatives, the hour of adjournment has arrived, and I wish you, one and all, a happy reunion with family and friends in the charmed circle of home. Thanking you for the kind and generous manner in which you have sustained me in the administration of the difficult and responsible duties of this chair, and hoping and trusting, when we reassemble in these Halls next December, Providence may have so crowned the endeavors of our heroic defenders in the field, that we may be permitted to rejoice over the full realization of the prayer of so many millions of your constituents, 'God save the American Republic,' I do now, in accordance with the concurrent resolution of both Houses, declare the first session of the House of Representatives of the Thirty-Eighth Congress of the United States adjourned *sine die*."

* In justice to all parties, the entire close of the debate, as well as Mr. Colfax's speech, is given at the end of the volume. See Appendix, VIII.

During the fall, the Presidential election occurred, in which Mr. Lincoln was again the nominee of the Republican party. Mr. Colfax gave his hearty support to the cause, and had the satisfaction of seeing his State carried by the Republican party by twenty thousand majority. At the same time, he was elected to the Thirty-Ninth Congress by 1,680 majority.

He presided over the second session of the Thirty-Eighth Congress, which met in December, 1864, conducting its deliberations with a grace and dignity which extorted the admiration of both his own party and the Opposition. That this is not mere flattery, on our part, will be seen from the following resolution and remarks from Mr. Cox, one of the leaders of the Democratic party in the House, on the 3d of March, 1865, the last day of the session :

“ Mr. Cox.—I offer the following resolution.

“ The Clerk read the resolution, as follows :

“ ‘ *Resolved*, That the thanks of this House be, and they are hereby, tendered to Hon. Schuyler Colfax for the dignified, able, and courteous discharge of the duties of Speaker during the present Congress.’

“ Mr. Cox.—Mr. Speaker (Mr. Dawes being in the chair as Speaker *pro tempore*), in this unexampled and historic time, when our country is excited by the conflict which has called us to extraordinary legislation, when the passions and throes of a great nation have found more or less of their reflection in this Hall, it has been a difficult duty which has been discharged by the Speaker. To moderate these passions, restrain the urgency, clamor, and heat of debate, and to give dig-

nity and independence to this popular, I may say almost tumultuous, assembly, has been devolved upon the distinguished gentleman from Indiana. He has, by his courtesy, kindness, and fairness, won our personal esteem and the public regard. I propose, without formality and with earnestness, to tender him our thanks and good will. I trust, Sir, that in the future the same moderation and benignity may radiate in this House which has radiated from the Chair during the present Congress. We shall part here with unusual good feeling. I wish this feeling could pervade our whole people. In the language of the Bible, and in this presence, I would all-reverently pray that 'all bitterness, and wrath, and anger, and clamor, and evil-speaking be put away from you, with all malice,' and that we should 'be kind one to another, tender-hearted, forgiving one another, even as God for Christ's sake hath forgiven you.'

"Mr. Dawson.—I ask the gentleman from Ohio to yield to me for a moment.

"Mr. Cox.—With pleasure.

"Mr. Dawson.—Mr. Speaker, the labors of this Congress are nearly concluded, and we are about to leave these Halls. Before separating to return to our homes, I agree with my friend from Ohio that it is eminently proper to render to the Speaker some acknowledgment for his habitual kindness and courtesy as the presiding officer of this House. At no time so critical in the history of the country have the Representatives of the people been assembled to legislate on our national concerns. Coming together in the

midst of a civil war, sanguinary and exasperated beyond parallel, it was hardly to be expected that the presiding officer of this House, however well poised his mental and moral constitution, could be entirely free from personal bias in his official action.

“I believe, Sir, I but express a general sentiment when I say that the House and the Speaker have well maintained the proprieties of the place. This has not been a bitter Congress. The intercourse of members upon this floor has been kindly and genial; and the Speaker, in his official action toward political friends and foes, has uniformly observed the same high urbanity, frankness, and liberality. When the Representatives of the people can meet and discuss their differences in a spirit of self-abnegation, and with moderation and candor, it assuredly affords much matter of mutual congratulation. In a body such as this, representatives of many shades of clashing opinions, unanimity would in vain be looked for; and on some points we have honestly and widely differed touching the preservation of our common country and its free institutions. It is much, however, if in our differences we can lay aside our asperities, and sacrifice all personal feelings in the effort to maintain individual and party sentiments.

“I trust, Sir, that, in returning to our constituencies, once more to commingle with and form a part of the people, we will carry with us the same kindly feelings, and lose no occasion by example and precept to inculcate that charity and forbearance, that moderation and candor, which we have seen exhibited here with such favorable results.

“Would, Sir, that we could also indulge the hope that, ere another Congress shall assemble within these Halls, the noise of the battle shall have ceased, and the messenger of peace revisited our stricken country, to exert again its benign influences, under which infancy and age may rest under the shelter of home, and vigorous manhood may resume those pursuits which ennoble humanity and scatter blessings over the land.

“I believe I can say that the Speaker will bear into his retirement the friendly regards of his associates, and their hearty wishes for his personal welfare and happiness.

“Mr. Cox.—I call for the previous question.

“The previous question was seconded, and the main question ordered; and under the operation thereof the resolution was adopted.”

Twelve o'clock, noon, on the same day, having arrived, Speaker Colfax announced to the members that the hour for closing the session had struck, and took leave of them in the following eloquent address:

“Gentlemen of the House of Representatives, the parting hour has come; and yonder clock, which ‘takes no note of time but from its loss,’ will soon announce that the Congress of which we are members has passed into history. Honored by your votes with this responsible position, I have faithfully striven to perform its always complex and often perplexing duties without partisan bias, and with the sincerest impartiality. Whether I have realized the true ideal of a just presiding officer, aiding, on the one hand, the advance of the public business, with the responsibility of which the

majority is charged, and, on the other hand, allowing no trespass on the parliamentary rights of the minority, must be left for others to decide. But, looking back now over the entire Congress, I cannot remember a single word addressed to you which 'dying I would wish to blot.'

"On this day, which by spontaneous consent is being observed wherever our flag floats as a day of national rejoicing, with the roar of cannon greeting the rising sun on the rock-bound coast of Maine, echoed and reëchoed by answering volleys from city to city, and from mountain peak to mountain peak, till from the Golden Gate it dies away far out on the calm Pacific, we mingle our congratulations with those of the freemen we represent over the victories for the Union that have made the winter just closing so warm with joy and hope. With them we rejoice that the national standard, which our Revolutionary fathers unfurled over the land, but which rebellion sought to strike down and destroy, waves as undisputed at this glad hour over the cradle of secession at Charleston as over the cradle of liberty at Faneuil Hall, and that the whole firmament is aflame with the brilliant glow of triumphs for that cause so dear to every patriot heart. We have but recently commemorated the birthday of the Father of his Country, and renewed our pledge to each other that the nation he founded should not be sundered by the sword of treason. And the good news that assures the salvation of the Republic is doubly joyous, because it tells us that the prayers of the past four years have not been unanswered, and that the priceless blood of

our brave defenders, so freely offered and so profusely spilt, has not been shed in vain. We turn, too, to-day, with a prouder joy than ever before to that banner, brilliant with stars from the heavens and radiant with glories from the earth, which from Bunker Hill to Yorktown, from Lundy's Lane to New Orleans, and from the darker hours of the rebellion in the past, to Savannah, and Fort Sumter, and Charleston, and Columbia, and Fort Fisher, and Wilmington in the present, has ever symbolized our unity and our national life, as we see inscribed on it ineffaceably that now doubly noble inscription, 'Liberty and Union, now and forever, one and inseparable.'

"But, in this hour of gladness I cannot forget the obligations, paramount and undying, we owe to our heroic defenders on every battle-field upon the land, and every wave-rocked monitor and frigate upon the sea. Inspired by the sublimest spirit of self-sacrifice they have realized a million-fold the historic fable of Curtius, as they have offered to close up, with their own bodies, if need be, the yawning chasm that imperilled the Republic. For you and me, and for their country, they have turned their backs on the delights of home and severed the tenderest of ties to brave death in a thousand forms; to confront with unblanched cheek the tempest of shot, and shell, and flame; to storm frowning batteries and bristling intrenchments; to suffer, and to die. As we look from this Capitol Hill over the nation there are crushed and broken hearts in every hamlet; there are wounded soldiers, mangled with rebel bullets, in every hospital; there are patriot

graves in every church-yard ; there are bleaching bones on every battle-field. It is the lofty and unfaltering heroism of the honored living, and the even more honored dead, that has taken us from every valley of disaster and defeat and placed our feet on the sun-crowned heights of victory. The granite shaft may commemorate their deeds. Our American Valhalla may be crowded with the statues of our heroes. But our debt of gratitude to them can never be paid while time shall last and the history of a rescued nation shall endure.

“ If my voice, from this Representative Hall, could be heard throughout the land, I would adjure all who love the Republic to preserve this obligation ever fresh in grateful hearts. The dead, who have fallen in these struggles to prevent an alien flag from waving over the ashes of Washington, or over the graves where sleep the great and patriotic rivals of the last generation, the hero of New Orleans and the illustrious commoner of Kentucky, cannot return to us. On Shiloh’s plain and Carolina’s sandy shores, before Richmond, and above the clouds at Lookout Mountain, the patriot martyrs of constitutional liberty sleep in their bloody shrouds till the morning of resurrection. But the living are left behind. And if the Sacred Record appropriately commends the poor, who are ever with us, to our benefactions and regard, may I not remind you that the widow and fatherless, the maimed and the wounded, the diseased and the suffering, whose anguish springs from this great contest, have claims on all of us, heightened immeasurably by the sacred cause for which they have given so much ? Thus, and thus alone, by pouring the

oil of consolation into the wounds that wicked treason has made, can we prove our devotion to our fatherland and our affectionate gratitude toward its defenders.

“And, rejoicing over the bow of promise we already see arching the storm-cloud of war, giving assurance that no deluge of secession shall again overwhelm our nation, we can join, with heart and soul, sincerely and trustingly, in the poet's prayer :

‘ Now, Father, lay thy healing hand
In mercy on our stricken land ;
Lead all its wanderers to the fold,
And be their Shepherd, as of old.

‘ So shall our nation's song ascend
To thee, our Ruler, Father, Friend ;
While heaven's wide arch resounds again
With “Peace on earth, good will to men.” ’

“ We go hence, with our official labors ended, to the Senate Chamber and the portico of the Capitol, there, with the statue of the goddess of Liberty looking down for the first time from her lofty pedestal on such a scene, to witness and participate in the inauguration of the Elect of the American people.

“ And now, thanking you most truly for the approbation of my official conduct which you have recorded on your Journals, I declare the House of Representatives of the Thirty-Eighth Congress of the United States adjourned *sine die*.”

CHAPTER VIII.

Close of the War—Mr. Colfax prepares for his "Overland Journey"—Parting with President Lincoln—Murder of the President—The removal of Mr. Lincoln's Remains to Illinois—Mr. Colfax pronounces a Eulogy at Chicago, upon the "Life and Principles of Abraham Lincoln"—His Motives in undertaking the Journey to the Pacific—The Rendezvous at Atchison, Kansas—Mr. Colfax's Companions—The Journey begun—The Ride across the Prairie—Arrival at Fort Kearney The Plains—Emigrant Trains—The Route—Communication with the East—Mr. Colfax meets old Friends—Breakfast at Julesburg—Reception at Denver—Speech of Mr. Colfax—Mr. Lincoln's Message to the Miners—Visits to the Mines—The 1st of June in Denver—Grand Banquet—*En route* again—The Ride over the Mountains—Indian Depredations—The Church Butte—View from the Hills—Camp Douglas—Arrival and Reception at Salt Lake City—Speech of Mr. Colfax—Honors to the Speaker—Visit of Brigham Young to Mr. Colfax—Matters at Salt Lake City—The Theatre—The Tabernacle—Second Interview with Brigham Young—The Wells, Fargo & Co. Stages—Departure from Salt Lake City—Arrival at Virginia City—Reception—Speech of Mr. Colfax—The Ride over the Sierras—Lake Tahoe—A model Stage Road—The Railroad to Sacramento—The Steamboat—Arrival at San Francisco.

CONGRESS adjourned, as we have said, on the 4th of March. A month later the genius of Grant and the valor of our armies had brought the Rebellion to the dust, and won back the long defiant strongholds of Richmond and Petersburg to the authority of the Union, and the great struggle was rapidly closing. By the tenth of April it was certain that the oft-repeated prediction of "peace in ninety days" would be fulfilled in a third of that time, and rejoicings were loud in all parts of the land.

Mr. Colfax remained in Washington until the middle of April, to arrange certain matters relating to a journey through the States and Territories of the West, which he had determined to make during the recess of Congress. On the 14th of April, he called on President Lincoln to bid him farewell, and to receive from him such messages as he desired to send to the people of the Great West. The interview was long and cordial. It was the pleasantest and most cheerful Mr. Colfax had enjoyed with the President for a long time, for Mr. Lincoln, satisfied that the Union was finally saved, and full of the most generous intentions towards the people of the South, was free from the load of care and anxiety which had seemed to weigh him down during the war. He bade his friend farewell with a happier heart than he had borne for years—a happiness which was but the foretaste of that brighter and more glorious joy upon which he was to enter so soon.

Still unwilling to depart without another farewell, Mr. Colfax called on the President again that evening, and left him only half an hour before he started on that fatal visit to Ford's Theatre. The President urged him to accompany the party to the theatre, but he declined to do so, as he expected to leave Washington early the next morning, and had still some business to attend to during the night. The President was in the highest spirits. As he parted from Mr. Colfax at the door of the White House, he turned to him, and, as if by a sudden inspiration, said: "Don't forget, Colfax, to tell those miners that that is my speech to them*—a

* The reader will find Mr. Lincoln's message to the miners in Mr. Colfax's speech at Denver City, Colorado, farther on in this chapter.

pleasant journey to you. I will telegraph you at San Francisco—good bye.” And so the two tried friends parted—neither dreaming that the farewell was eternal. That night the President was murdered.

“A felon hand, between the goal and him,
Reached from behind his back, a trigger pressed—
And those perplexed and patient eyes were dim,
Those gaunt, long laboring limbs were laid to rest!

“The words of mercy were upon his lips,
Forgiveness in his heart and on his pen,
When this vile murderer brought swift eclipse
To thoughts of peace on earth, good will to men.

“The old world and the new, from sea to sea,
Utter one voice of sympathy and shame!
Sore heart, so stopped when it at last beat high!
Sad life, cut short just as its triumph came!”

The news of the assassination of the President spread rapidly through the city, and summoned Mr. Colfax from the preparations for his journey to the death-bed of his martyred friend. It was a sad group that gathered about the dying hero in the cause of right that night. The greatest and most illustrious of the land were there, those who knew and loved him best, and while the news of the terrible tragedy was flashing through all parts of the land on lightning wings, the great, grand soul went up calmly and peacefully to its reward.

The remains of the President were carried from Washington, through the principal cities of the Union, to Springfield, Illinois, his former home, and during this sad journey “a scene was witnessed such as had never before taken place in human history. The whole

nation mourned, with a depth and intensity of grief unparalleled in all the records of the past, the loss of its chosen head, its father and its friend.

“Amid the stirring April days, while springing grass and greening boughs proclaimed that summer drew nigh, the procession left the capital, which never before had been so shaken with pain, and grief, and righteous rage. They took the same route which he had traversed when coming in life to his high place, and bore him forever from the scene of his eventful sway. And as they went, the great capitals of the land welcomed, with such demonstrations of honor as no preceding experience had witnessed, the shrunken, discolored, and pulseless frame. The city through which he passed before in a sheltering privacy, now crowded tremulous, in tearful affection, around his bier. The great metropolis, whose mob then hated him, the leaders of whose fashion turned from him with contempt, and whose authorities sought to insult him, now poured from every street and lane to witness the sad procession of his mourners. Its whole business was suspended; its houses were hung from base to roof with funeral pomp; its pavements were thronged with silent, patient, unmoving crowds; its windows gleamed with pallid faces, as through the hushed, expectant avenues wound, hour by hour, while bells were tolling, and minute-guns, with measured boom, were counting the instants, that vast, uncounted, unparalleled procession. Not capitals only, but States themselves, became his mourners. Churches put off their Easter emblems to hide pillar and wall and arch in

sable yoe. Each railway was made a *via Dolorosa*. The spontaneous homage of millions was offered through the uncovered head, the crape, the wreath, through all the sombre insignia of grief, as the train, with its precious burden, sped on. The country shrouded its weeping face, and all the blooms of spring around could bring no flush to its changed countenance; the song and sparkle, and the fresh impulse, of which the very air was full, could stir no pulse of gladness or of hope while still that spectacle haunted its gaze. For over every loyal heart there brooded a sorrow as if the most revered had fallen, as if the shock of personal bereavement had smitten separately every household."

Mr. Colfax was requested by the citizens of Chicago, to pronounce a eulogy upon the life and character of Mr. Lincoln, and, though bowed by the weight of the great personal loss he had suffered in the death of his friend, he promptly complied with the request. The address was chaste and elegant in style, and simple and earnest in its impassioned eloquence. Its summary of the character of Mr. Lincoln, and its exposition of the principles which had influenced his career, were just and truthful. In a literary point of view, the address was the best effort of its author's life. It was more than this—it was the earnest tribute of one honest man to another.

After seeing the remains of the President laid in their final resting-place, Mr. Colfax resumed his preparations for his overland journey to the Pacific. It was his intention to traverse this road, in accordance

with a plan which he had long entertained, and in compliance with the invitations he had received from the officers of the "Route," to inform himself more accurately as to the actual condition and needs of the Territories and Pacific coast, in order that he might be enabled to serve their cause more effectually in Congress—an act of practical patriotism unparalleled in our history. His best efforts had been given to the cause of the Territories and Pacific States, and he was, also, naturally anxious to witness the results of his labors.

The party of friends who were to accompany him rendezvoused at Atchison, Kansas, on the 21st of May. It consisted, besides Mr. Colfax, of Lieutenant-Governor Bross, of Illinois, the senior Editor of *The Chicago Tribune*, Mr. Albert D. Richardson, of *The New York Tribune*, and Mr. Samuel Bowles, the Editor of the *Springfield (Mass.) Republican*, to whose excellent narrative we are indebted for the account of the journey contained in this chapter. The party was placed, by the proprietors of the stage line, in charge of Mr. George K. Otis, of New York, their special agent. Every arrangement was made for their comfort. Weapons for defence against Indians were provided, and an ample supply of most excellent provisions laid in. There were rumors that the savages had again taken the war path, and that the route was unsafe, the Indians having already attacked one of the stages; but as General Conner, the commander of the troops in this Military District, and who was to accompany the party as far as his headquarters at Julesburg, on the border of Nebraska and Colorado Terri-

tories, assured the party that his arrangements for the protection of the stages, together with the cavalry escort which accompanied each one, would be sufficient to ensure their safety, it was decided to push on at once, and on the morning of the 22d of May, Mr. Colfax and his companions left Atchison, the eastern terminus of the "Overland Route," and set out for Salt Lake City.

A sharp drive of two days, through a rich prairie, green with the first freshness of the spring, brought them to Fork Kearney, Nebraska. The country through which they passed was the region of Indian hostilities, and though they did not see even the shadow of a redskin, they had frequent views of the ruins of farm-houses and outbuildings destroyed by the savages during the previous summer. The stage stations, consisting generally of a log dwelling and stable for the men in charge and the horses, but sometimes of a small village, were passed at regular intervals of ten or twelve miles, and the horses changed at each. The stage, a specimen of those used on the route, was new, strong and comfortable, the horses were fresh and sound, and an average speed of six miles an hour, often increasing to ten, was made. The meals at the stations along the road were excellent, and in short every thing was calculated to assure Mr. Colfax that he had worked in a good cause when he had labored for the establishment of the "Overland Route." The country was rich and luxuriant; ranches, or farm-houses, were scattered about, growing more remote towards the westward, until they finally disappeared;

the land was gently rolling towards the sunset, with water-courses at frequent intervals, until the sand hills of the Platte were met; and prairie hens and other game abounded. Many long trains, laden with food, clothing, machinery, and other articles of commerce for the far-off Territories, were seen slowly wending their way towards the Rocky Mountains. The stage whirled by them rapidly, but not too fast for the "passengers" to notice that the trains were moving in compact masses—a sure sign that the Indians were near at hand. Just before Fort Kearney was reached, a heavy storm of hail and wind came on, forcing the party to leave the coach, which was in danger of being dashed to pieces by the terrified horses, and to submit to the merciless pelting of the hail until the horses could be subdued. Then, weary and drenched, for the hail had by this time changed to rain, they resumed their seats and the journey. Shelter was soon reached at Fort Kearney, where a halt of a few hours was made to dry the clothes and baggage of the wet travellers. Messages were sent "home" by the telegraph from this point, and, indeed, throughout the whole route, the party were never out of reach of home, as they followed the telegraph all the way. Every morning they met the stages coming from the Pacific, which supplied them with newspapers, and so kept them "posted" as to the course of affairs in the States, and they also enjoyed at the telegraph stations, the privilege of reading the press despatches in transit from East to West so that although so far from civilization, they still kept pace with it.

During the first part of the journey, Mr. Colfax met many old friends from Indiana, in the settlers in this remote region. They welcomed him warmly, and exerted every effort to facilitate his journey. No trouble was spared by the proprietors and officials of the stage line to make the trip pleasant, and the travellers comfortable.

From Fort Kearney, the ride was resumed towards the frontier of Colorado, the country growing sandier, and rising steadily towards the Rocky Mountains. The broad and swift, but shallow Platte, was passed, and the traces of vegetation and fertility grew less and less, the game, which had abounded on the prairies of Kansas, gradually disappearing here. The prickly pear and the sage bush were the only evidences of life to be seen, while the bones of horses, oxen, and human beings, becoming more frequent as the stage proceeded westward, told that this was indeed a region to be dreaded by the emigrant.

At Julesburg, the headquarters of the army in this military district, and a mere collection of soldiers' huts and tents, the party breakfasted with General Conner, and the next day, May 27th, at noon, after a stage ride of six hundred and fifty miles, arrived in Denver City, the capital of the Territory, where Mr. Colfax was enthusiastically received by Governor Evans and a committee of the leading citizens of Colorado, and escorted to his quarters. The people were well informed as to Mr. Colfax's efforts in their behalf, and were anxious to testify their appreciation of and gratitude for them in every possible way. In the evening a large crowd of

citizens called on him to pay their respects, and upon this occasion he addressed them with happy effect, repeating to them the last message of President Lincoln. He said:

“He had come in part to bring a message from our late President,—that noble man, so pure, so patriotic, so forgiving, the most lovable of all men, whose tender heart bore no ill will, who never answered railing with railing; on the very night he was seeking to soften the fate of the fallen enemies of the country, struck down by the assassin. The crime towered in its infamy, but its purpose was not accomplished. It was intended to weaken the Nation, but it made the Nation stronger. It had placed Abraham Lincoln on the very pinnacle of fame. He did not die because he was Abraham Lincoln, but because he represented the Nation's contest with and victory over treason. We might engrave his name on marble—it would crumble; we might inscribe it on Mont Blanc, where that living wall four thousand feet in height overlaid a portion of the mountain eleven thousand feet high—that granite spire would moulder in fragments round the base of its pedestal before the name and memory of Abraham Lincoln would be forgotten.

“Said Mr. Lincoln to me, when I called the day before his death, to say good-bye—‘Mr. Colfax, I want you to take a message from me to the miners whom you visit. I have,’ said he, ‘very large ideas of the mineral wealth of our Nation. I believe it practically inexhaustible. It abounds all over the western country, from the Rocky Mountains to the Pacific, and its de-

velopment has scarcely commenced. During the war, when we were adding a couple of millions of dollars every day to our national debt, I did not care about encouraging the increase in the volume of our precious metals. We had the country to save first. But now that the rebellion is overthrown and we know pretty nearly the amount of our national debt, the more gold and silver we mine, makes the payment of that debt so much the easier. Now, (said he, speaking with much emphasis,) I am going to encourage that in every possible way. We shall have hundreds of thousands of disbanded soldiers, and many have feared that their return home in such great numbers might paralyze industry by furnishing suddenly a greater supply of labor than there will be demand for. I am going to try to attract them to the hidden wealth of our mountain ranges, where there is room enough for all. Immigration, which even the war has not stopped, will land upon our shores hundreds of thousands more per year from overcrowded Europe. I intend to point them to the gold and silver that waits for them in the West. Tell the miners from me, that I shall promote their interests to the utmost of my ability; because their prosperity is the prosperity of the Nation, and (said he, his eyes kindling with enthusiasm,) we shall prove in a very few years that we are indeed the *treasury of the world*.'

"That evening he (Mr. Colfax) had called again and was with the President half an hour just before he started for the theatre, to which he had been invited to accompany him. But he expected to leave Wash-

ington the next morning, and having other engagements for the evening, he could not go. The President was still in the highest spirits in the evening. As he was departing for the theatre, accompanied to the door by Mr. Ashmun, of Massachusetts—the last walk to the door of the Executive Mansion he was ever to take—as they were shaking hands, a thought seemed to strike the President, who repeated in a condensed form what he had just delivered to us, thus showing how important he held it, and said to him, ‘Don’t forget, Colfax, to tell those miners that that is my speech to them—a pleasant journey to you. I will telegraph you at San Francisco—good-bye,’—the last good-bye of his life. These words he brought were the last words of the President on public subjects before the bullet of the assassin crashed through his brain. It showed that amid the exultation consequent on the grandest consummation of the dearest wishes of the President and the Nation, the interests of the great West, particularly of the miners, were uppermost in his thoughts. These words were true, prophetic.”

These remarks were greeted with enthusiasm by the large audience who listened to them, and the last message of the Martyr-President was received with a sad satisfaction. Speeches were made by the other members of the party, and the visitors subsequently departed.

A week was passed pleasantly in Colorado, in visiting the mines and various places of interest. At Central City, Mr. Colfax again repeated President Lincoln’s message to the miners. Everywhere a kind

and cordial reception waited him, and it seemed that the whole population of the Territory was possessed of but one object—to make the visit of himself and his companions pass pleasantly. They were desirous of showing their regard for one who had proved himself so staunch a friend, and also of showing their loyalty to the Union by their treatment of its distinguished Representative.

On the 1st of June, the occasion of the national mourning for Mr. Lincoln, Mr. Colfax re-delivered his Chicago Eulogy at Denver City; and on the evening of the 2d of June, the night previous to his departure for Salt Lake City, he was the recipient of a grand banquet, given to him by the Territorial officials and the leading citizens. Three hundred and fifty ladies and gentlemen sat down to the table, and though the cards of admission were each twelve dollars in gold, they were eagerly sought after at an advance of three dollars each. The entertainment was a brilliant affair, and the speeches were not the least attractive feature of the evening. Mr. Colfax returned his thanks for the kindness shown him during his visit, and took leave of his entertainers in a speech of genuine eloquence.

On Saturday, June 3d, the party was again *en route*. Sunday was passed, as a day of rest, at Virginia Dale, a station on the frontier of the Territory, very near the Dacotah line, and one hundred and fifty miles north of Denver. The lodgings here were not very elegant, but still comfortable, under the circumstances. Mr. Colfax was given a bed, and the rest of

the party and the cavalry escort slept in the coach, and on the floor and ground. Late on Sunday afternoon the party climbed to the top of a neighboring mountain to witness the magnificent sunset, and made the clear air ring with the hymns of "home." Next morning they were on the road by sunrise, and during the day entered Dacotah Territory.

Salt Lake City is six hundred miles from Denver, and a week, including the Sunday at Virginia Dale, was spent in traveling over the road. It would have been driven in five days, but for the Indians, who, by stealing all the horses for a distance of fifty miles along the route, delayed the stage about two or three days. Indeed, the danger was nearer and greater than they had believed it would be, for the savages hung close upon the front and rear of the Speaker's party. The escort of his stage drove off a band which was attacking a party of returning Mormons, and one of the stations, only a few hours after Mr. Colfax and his friends had left it, was attacked and plundered, and two of the stage employees were killed, and three of the guard of soldiers severely wounded by the Indians.

The route now lay for the greater part of the way through the Rocky Mountains, and the scenery was grand and sublime beyond description. The range was crossed at Bridger's Pass, the snow line having been traversed in safety, with the heavy drifts lying thick under the June skies, and the party entered the country of Bitter Creek and the Mountain Desert, with its dreary, barren wastes of sand, which is saturated so thoroughly with alkali as to poison the water, and to

whiten the earth until it resembles a surface of snow. The ground grew rougher and more rugged as the summit of the mountain range was neared, but the stage dashed along at a lively rate, often swinging from side to side until destruction seemed sure. So well trained are the drivers, however, that accidents on this road are of rare occurrence. A brief halt was made at the *Church Butte*, to enable the party to see this wonderful specimen of Nature's architecture. It is a huge sandstone rock, worn by the action of the winds and sand into a fantastic and startling resemblance to a half-ruined Gothic cathedral. "We stopped before it," says Mr. Bowles, "just as the sun had gone down in the west, and as the full moon came up the eastern horizon, and the soft, contrasting lights, deepening slowly into shadowy dimness, gave exquisite development to the manifold shapes and the beautiful and picturesque outlines, that rock and clay had assumed. The Milan or Cologne cathedral, worn with centuries, illshapen with irregular decay, could not have looked more the things they are or would be, than this did. Everything belonging to the idea was there in some degree of preservation. Porch, nave, transept, steeple, caryatides, monster animals, saints and apostles, with broken columns, tumbled roof, departed nose or foot, worn and crumbling features, were all in their places, or a little out, but recognizable and nameable. We walked around this vast natural Cathedral of sandstone and clay—a full half mile—and greater grew our wonder, our enthusiasm." Pressing on, the stage drew up at two o'clock in the morning at Fort Bridger, where

Mr. Colfax and his friends were kindly received by Judge Carter, and allowed to pass the remainder of the hours of darkness in bed. Next morning, after a comfortable breakfast, the route was resumed towards Salt Lake City, one day distant.

Driving along the crest of a series of hills eight thousand feet high, and belonging to the Wasatch Mountains, the party had an opportunity of looking down over a part of the Territory of Utah. The snow lay about them, but the mountain flowers were blooming all around them. The views were magnificent, and the air pure and bracing. The road was so rough that the travellers could scarcely keep their seats, and the streams along the route, which had to be forded, were so much swollen that the water came up to the doors of the coach. Echo Cañon was passed after sunset, the mellow moonlight lending a wonderful beauty to the picturesque defile, and at sunrise the stage stopped for breakfast at the last station, kept by a Mormon Bishop, the owner of four wives, who are located at convenient points on his episcopal circuit.

Leaving this station, the stage passed over a high plateau, from which the whole Salt Lake Valley was in sight. The view was beautiful. To the right, upon the plateau lay Camp Douglas, the military post of the Valley, and within cannon range of the City; below, in the Valley, were Utah Lake and the Great Salt Lake, united by the flashing line of the River Jordan; Salt Lake City lay back amidst its thick green trees and shrubbery, and thriving farms were scattered at intervals all over the Valley. Such a scene of beauty and

prosperity had not been witnessed by the travellers since they left the States.

As the coach neared Camp Douglas, a military escort, headed by the regimental band and the commander of the garrison, met the party and welcomed them to Utah. After a few brief remarks, the stage rolled on, the military leaving them at the further verge of the Camp. At the foot of the hill a deputation of the Mormon authorities of the town was in waiting. As the stage drew up at the point at which they had stationed themselves, they requested Mr. Colfax and his companions to alight. After a formal speech of welcome and a reply from the Speaker, the distinguished visitor and his friends were introduced individually to the Mormon Committee, and placed in carriages and conveyed to the hotel, where quarters had been provided for them. After refreshing themselves, the visitors attended the services at the Mormon Tabernacle, and in the evening listened to a sermon from a Congregational, or as he is called there, "gentile" preacher.

The Mormons, wishing to conciliate the favor of the Government, were unremitting in their attentions to Mr. Colfax, and were also anxious to show their respect for the man himself. They were not ignorant of the fact that he was, and had always been, among the most uncompromising opponents of their system of polygamy, but they also knew that they were greatly indebted to him for the means of easy and reliable communication with the States which they enjoyed. On the night after his arrival, he was given

a serenade, and called on for a speech. He addressed them at considerable length, and with his usual fluency and ease. In the course of his remarks he said :

“I have had a theory for years past, that it is the duty of men who are in public life, charged with a participation in the government of a great country like ours, to know as much as possible of the interests, development, and resources of the country whose destiny, comparatively, has been committed to their hands. And I said to my friends, if they would accompany me, we would travel over the New World till we could look from the shores of the Pacific towards the Continent of Asia, the cradle of the human race. And, therefore, we are here, travelling night and day over your mountains and valleys, your deserts and plains, to see this region between the Rocky Mountains and the Pacific, where, as I believe, the seat of Empire in this Republic ultimately is to be.

“Now, you who are pioneers far out here in the distant West, have many things that you have a right to ask of your government. I can scarcely realize with this large assembly around me, that there is an almost boundless desert of twelve hundred miles between myself and the valley of the Mississippi. There are many things that you have a right to demand; you have created, however, many things here for yourselves. No one could traverse your city without recognizing that you are a people of industry. It happened to be my fortune in Congress to do a little towards increasing the postal facilities in the West, not as much as I desired, but as much as I could obtain from Congress.

And when it was proposed, to the astonishment of my fellow-members, that there should be a daily mail run across these pathless plains and mighty mountains, through the wilderness of the West to the Pacific, with the pathway lined with our enemies the savages of the forest, and where the luxuries and even the necessities of life in some parts of the route are unknown, the project was not considered possible; and then, when in my position as Chairman of the Post Office Committee, I proposed that we should vote a million of dollars a year to put that mail across the Continent, members came to me and said, 'You will ruin yourself.' They thought it was monstrous, an unjust and extravagant expenditure. I said to them, though I knew little of the West then, compared to what I have learned in the few weeks of this trip, I said, 'The people along the line of that route have a right to demand it at your hands, and in their behalf I demand it.' Finally the bill was coaxed through, and you have a daily mail running through here, or it would run with almost the regularity of clockwork, were it not for the incursions of these savages. And here let me say, by way of parenthesis, that if I ever had any particular love for 'the noble red man,' it is pretty much evaporated during this trip. I do not think as much of him as I did. They were looking down from the hills at us, as we have since learned; and had it not been that Mr. Otis and I had our hair cut so short at Atchison, that it would not have paid expenses to be taken even by an Indian, they might have scalped us.

“You had a right to this daily mail, and you have it. You had a right, also, to demand, as the eastern portion of this Republic had, telegraphic communication speeding the messages of life and death, of pleasure and of traffic; that the same way should be opened up by that frail wire, the conductor of Jove’s thunderbolts, tamed down and harnessed for the use of man. And it fell to my fortune to ask it for you; to ask a subsidy from the government in its aid. It was but hardly obtained; yet, now the grand result is achieved, who regrets it—who would part with this bond of union and civilization? There was another great interest you had a right to demand. Instead of the slow, toilsome and expensive manner in which you freight your goods and hardware to this distant Territory, you should have a speedy transit between the Missouri Valley and this intramontane basin in which you live. Instead of paying two or three prices—sometimes overrunning the cost of the article—you should have a railroad communication, and California demanded this. I said, as did many others in Congress, ‘This is a great national enterprise; we must bind the Pacific and Atlantic States together by bands of iron; we must send the iron horse through all these valleys and mountains of the interior, and when thus interlaced together, we shall have a more compact and homogeneous Republic.’ And the Pacific Railroad bill passed. This great work of uniting three thousand miles, from shore to shore, is to be consummated, and we hail the day of peace, because with peace we can do many things as a Nation, that we cannot do in

war. This railroad is to be built; this Company is to build it; if they do not, the Government will. It shall be put through soon; not toilsomely, slowly, as a far distant event, but as an event of the decade in which we live. * * *

“And now, *what has the Government a right to demand of you?* It is not that which Napoleon exacts from his officers in France—which is, allegiance to the Constitution and fidelity to the Emperor. Thank God, we have no Emperor nor despot in this country, throned or unthroned. Here every man has the right, himself, to exercise his elective suffrage as he sees fit, none molesting him, or making him afraid. And the duty of every American citizen is condensed in a single sentence, as I said to your Committee yesterday—not in allegiance to an Emperor, but *allegiance to the Constitution, obedience to the law, and devotion to the Union.* [Cheers.] When you live to *that* standard, you have the right to demand protection; and were you three times three thousand miles from the national capital, wherever the stairy banner of the Republic waves, and a man stands under it, if his rights of life, liberty, and property are assailed, and he has rendered *this* allegiance to his country, it is the duty of the Government to reach out its arm, if it take a score of regiments, to protect and uphold him in his rights.” [Cheers.]

Speeches were made by the rest of Mr. Colfax's party, and the evening closed to the entire satisfaction of all present.

The Mormon Chief, Brigham Young, had not

been over respectful or courteous in his treatment of the Federal officers of the Territory, and Mr. Colfax's friends were somewhat anxious to see how he would conduct himself towards that gentleman. Ordinary visitors usually call on President Young, who receives them, but does not call on them. Feeling that he was the representative of the General Government of the Union, Mr. Colfax determined to refrain from visiting the Mormon President, until that gentleman had first called on him as "the third officer in the Government," and promptly made public his intention. The good sense of Mr. Young taught him that the Speaker's position was the proper one, and he gracefully yielded to the unusual circumstances of the case. On Wednesday, the 14th of June, two days after Mr. Colfax's arrival, he paid him an official visit in company with a host of the dignitaries of his Church, and for two hours held a pleasant and friendly interview with him.

A week was spent pleasantly at Salt Lake City by Mr. Colfax and his friends. Excursions were made to the Great Salt Lake, that wonderful Dead Sea of the great basin, and to the mines, where the troops under General Conner are working the rich silver lodes, which the Mormons affect to consider worthless, in the hope of keeping back an emigration of miners. The ingenious and splendid system of irrigation by which the Mormons have made a garden out of their originally desert valley, was explained to the party, and everything that could furnish a thorough and truthful knowledge of the condition of affairs in the

Territory was carefully studied. Only one thing was kept in the back-ground—the domestic life of the Mormons—but enough of this was seen by the Speaker to confirm him in his original hostility to their peculiar institution of polygamy. The officers of the garrison were also unfailing in their attentions, and several pleasant visits were made to them by the Speaker and his party. On the evening of the 17th of June, Mr. Colfax and his friends attended a dinner party given to them by one of the principal Mormon merchants, at which President Young and the principal members of his Council were also present. The table was bountifully provided with all the luxuries of the season, served in excellent style, and the guests were waited on by several of the wives of the host. Later in the evening the party adjourned to the theatre, at which a special performance was given in honor of Speaker Colfax. The theatre is a handsome, tasteful building, superior to any west of St. Louis, and is amply provided with excellent wardrobes, scenery, and all the equipments of a first-class establishment. It is owned and carried on by Brigham Young, who realizes a handsome profit from it. Upon this occasion the performance consisted of a fine drama and a farce. The actors, as usual, were amateurs—merchants, mechanics, and the wives and daughters of citizens. One of the married daughters of Brigham Young sustained a leading part in the first play, and several of his daughters took part in the ballet, which was finely performed.

The next day being Sunday, Mr. Colfax and his

friends attended the services at the Tabernacle, where President Young, at the request of the Speaker, preached on the distinctive doctrines of Mormonism. His discourse was very rambling, and marked by much less originality and ability than his visitors had expected. In the evening, by invitation of the Church and City authorities, Mr. Colfax repeated his Chicago Eulogy on Mr. Lincoln. He spoke it from memory to a large and delighted audience, who were wholly unused to an oration of so much power and elegance. His speeches, of which he had made several since his arrival in the Territory, had already made him very popular with the people; but this eulogy, says Mr. Bowles, "increased the feeling in his favor to a high enthusiasm."

In the afternoon of the same day, President Young and the leaders of his Church called on the Speaker to bid him farewell. A long interview ensued, in which the subject of polygamy was discussed. Mr. Young asked Mr. Colfax what the Government intended to do with the Mormons, now that Slavery had been abolished. Mr. Colfax replied that he had no authority to speak for the Government; but that he, himself, would earnestly advise the Mormon leaders, for their own good, to anticipate any action on the part of the Government, and do away with polygamy of their own accord. He assured them that the Government could not and would not look calmly upon a growth of the system, and that it would some day meet the question. If they would abandon the practice, however, and submit to the laws of the land, there was no doubt in his,

the Speaker's mind, that Utah would be promptly admitted as a State. In reply to a question from Mr. Young, as to whether the Government would not seek to destroy the Mormon religion and church together with polygamy, Mr. Colfax replied emphatically that it would not, but that the Mormons would be allowed to exercise the same freedom in religious matters that was guaranteed by the Constitution to every citizen.

The eastern branch of the "Overland Stage Route," which is owned by Mr. Benjamin Holladay, ends at Salt Lake City, and there Mr. Colfax and his friends parted from Mr. Otis, who had been unremitting in his attentions to them. They were then placed in charge of an agent of the "Overland Mail Company,"—run by Messrs. Wells, Fargo & Co.—the Express Kings of the Pacific Coast—and, on the morning of June 19th, left Salt Lake City for Virginia City, in the State of Nevada. Anxious to see how fast they could send the party through, the officials of the "Overland Mail" carried them from Salt Lake City to Austin, Nevada, a distance of four hundred miles, in fifty hours, just two thirds of the time usually occupied in the trip. At Austin a halt of two or three days was made to enable the travellers to visit the mines, and then the ride to Virginia City was resumed. That place—two hundred miles from Austin—was reached in twenty-two hours, or fourteen hours less than the schedule time of the mail stages. The ride was rough, and the alkali dust from the roads was penetrating, and made noses, eyes, and lips burn and smart; but the travellers were glad to get on at this rapid rate. The stations of the

Company are from ten to fifteen miles apart, and at each of these fresh horses, ready harnessed and waiting, were attached to the coach, and a new driver was taken up every fifty miles. It took only four minutes to change horses, the meals were ready on the table upon the arrival of the stage at the eating stations, and an average speed of from eight to twelve miles was maintained throughout the trip. At six o'clock on Sunday morning, June 24th, the stage dashed into the silent streets of Virginia City, and landed the Speaker and his companions at the quarters which had been provided for them. It had been the intention of the citizens and State authorities to give Mr. Colfax a public reception on his entrance into the place; but, as he arrived long before he was expected, the public welcome did not take place until the 26th. On this occasion, Mr. Colfax spoke at considerable length, and, among other things, said:

“I know that in all these mining regions, there is some distrust and alarm, in regard to the taxation of the mines; and I come here this evening to this balcony, that I might tell you frankly what I believe myself about this interesting subject, whether it agrees with your views, or does not agree with them—for I can only speak to you these words that I sincerely believe. I take it for granted, in the first place, that everybody in this broad land has, directly or indirectly, to aid in the payment of our national debt; that debt which has been accumulated for the salvation of our country; a debt which, great as it is, is small in comparison with the value of the great interests which

were saved by its incurring. For though it has cost much to save this country, it will prove in the end that it has cost less to save than it would have cost to lose the country. The question is, how shall this burden be adjusted? For it is the duty of the statesman to adjust that burden with equity to all the interests in the land. I came from my home on this long journey, not for pleasure and relaxation alone, but for instruction; that I might see with my own eyes the improvement in the West, the interests and resources of the country on this side of the Continent, its wants and what it had a right to demand of legislation. Having been in the past,—and I do not speak of it boastfully, for I believe you all know what I have done for western interests in the past,—having been in that past a sincere and earnest friend of western interests, I thought that a personal visit to this interesting region of the Republic, now being developed rapidly, and to be developed with tenfold rapidity in the years which are to come, now that peace has returned to our land, might make me a more intelligent and useful friend and advocate of western interests than ever before.

“In the first place, I believe in a fable that I read in my younger years, the moral of which was that you should never kill the goose which laid the golden egg. On the contrary, you should encourage the goose to lay more eggs of that kind. [Applause.]

“I think that is a principle you will all agree in. We are having an immense immigration from Europe. It was scarcely checked by the war, even with all the threatening of a draft hanging over the immigrant,—a

threat which the potentates and powers of Europe published throughout their lands, and had described with exaggerated terrors. The subjects in Europe were told that our country was racked with civil strife, was going down into anarchy and ruin ; that the great institutions of American liberty were overthrown, and that we were to be consigned to constant intestine war hereafter. In spite of all these prophecies of evil, immigrants poured in upon us, even during the war, by thousands and tens of thousands. They will come by hundreds of thousands hereafter. They have to go somewhere in this broad land. When they arrive on our shores from overcrowded Europe, they should be pointed to this western realm of country, filled with the precious metals, open for all men to come and prospect and gather for themselves. I want no fetters of restriction placed upon the mining prospector who is willing to pursue his hazardous vocation. On the contrary, I would encourage him, and I would encourage others to come hither and follow his example, by extending every reasonable inducement. And I think we have a precedent in our legislation, which justifies us in throwing open all these lands to whomsoever may choose to come here to dig for silver and for gold. If you will look at the policy of our country, which, after years of stormy contest in Congress, was finally settled in regard to our agricultural lands,—a policy that will never be repealed,—you will find a policy which is the truest and wisest that a great country could adopt in order to have its people tilling the soil, becoming producers of national wealth, adding to our agricultural

resources, calling our people away from the crowded cities to make them tillers of the soil of the Republic. That policy is to give them an estate at a nominal price, throwing open our public lands to them, that they may become owners of the soil they till and have a stake in the prosperity of the Nation. That is the great object sought to be obtained, and which is obtained, by the provisions of the homestead law. If that is the just policy in regard to the agricultural lands, it is equally just in regard to the mineral lands. Because the man who goes, enjoying the benefits of the homestead law, to till the soil, is assured of success. He knows, judging by all ordinary calculations, that when he turns over the greensward with his plow and puts in the seed, it will return him ten, twenty or fifty fold. But the miner, on the contrary, knows that his vocation is a hazardous one; and if there should be a priority of benefits, to either, I would hold out rather more inducements to the miner upon the mineral lands, than I would to the tiller upon the acres of agricultural lands. [Applause.] But I believe in assimilating the policy. If it is right in the one case it is right in the other, and upon that rock of right I plant myself in that policy. [Applause.]

“But the homestead law says that this land shall only be given to the farmer upon condition that he will occupy and improve the land himself. If he abandon the land, he loses it. If he attempts to hold it as a non-resident, he loses it. He must go on and add to the national wealth by his industry; and upon that condition he receives the land at a mere nominal fee for

the patent granted to him, after five years' occupancy, by the government. That seems to be the correct policy, and that should be the policy in regard to the mineral lands. While the right of discovery and occupancy should be protected by the government, when mineral discoveries, or what are supposed to be such, are abandoned, they should not be held to the exclusion of those who might be willing to work the abandoned claims. That is a doctrine which is based upon the principles of justice, I think.

“Now, my friends, in regard to taxation, I have precedents which will be familiar to you when I quote them. And I speak of these things because I would, as far as possible, impress on your minds those precedents, as I believe them to be right, and that your senators, and that your representatives may place your claims and your demands in the Capitol at Washington, not upon the basis of a bonus to the miner, but upon the basis of justice as compared with other interests in the land. Let us examine the principles of the tax bill which we have framed. I know that it is a heavy and onerous tax bill. Nothing in the shape of a tax bill is calculated to be popular. Government can never get that class of bills exactly correct; and I would not claim that this one is exactly correct, although I believe it is as nearly equal in its burdens as possible. In that tax bill you will see illustrated the policy of Congress, which has been to put the tax as far away as possible from the first production of the soil. Let us take, for instance, the article of wood. There is nothing in the tax bill levying a tax on wood growing

in the forest or cut down by the forester ; but when the wood is manufactured into a buggy, into a wagon, into cabinet-ware, or into any other kind of work made of wood, then the tax accrues for the first time upon the manufactured article, whatever it may be, and not until then. It is so with wool. There is no tax in the national tax law on the wool upon the sheep's back ; there is no tax upon it after it is clipped from the sheep's back and packed up in bales in the store of the wool merchant or sheep raiser. But when the wool is manufactured into woollen goods, then it is taxed,—not until then. The same principle applies to tobacco, which I presume you know is very heavily taxed. Now, I don't suppose that any of you drink whiskey. [Laughter and cries of "No, no!" "never!"] But if you do drink whiskey,—which I don't,—you will realize that every glass of whiskey which you drink and pay for, contributes a portion to the revenues of the general government, whether you like it or not. Now I take all my vice out,—(I think every man is guilty of at least one vice,—I don't believe there are any perfect men,—I believe the ladies are about all perfect, Heaven's last best gift to man, but I believe that all men are addicted to one vice or another)—I take my vice out in tobacco, in smoking. I take my cigar, and have the satisfaction of thinking that by every one I smoke I am aiding somewhat in the support of the general government. If any of you take patent medicines, you are entitled to feel the same interest and satisfaction in the operation. [Laughter.] You will see on the outside label a stamp of from two to four cents. So much is

contributed to the general government from that particular source. But, to resume seriously : There is no tax upon tobacco in the leaf, nor is there any tax upon the corn out of which the whiskey is made. When the corn is manufactured into whiskey, then the government puts the tax on the whiskey. When the tobacco is manufactured into cigars or plug, then the tax is put on. This is the policy of the general government in this respect. There is only one exception to it. That is cotton. Cotton is taxed when it is produced in the field. There is a reason for that. Cotton used to be king. We concluded that we would see if we could not in this Republic dare to tax the king. That is the only exception in the tax law. In every other case the tax is put away from the produce until the article is manufactured or ready for consumption.

“You understand already what I am going to say to you. That is just my theory in regard to the taxation of the precious metals. Don't embarrass the men who are taking the precious metals out of the mines ; but when these metals are assayed, when they enter as bullion or coin into the monetary wealth of the country, then they will be taxed, and then they should be taxed, and then, whether you like it or not, they must be taxed. [Great applause.] I think that is the true basis to put this whole question upon in Congress, and, presented in that way, I believe that you can command success and that regard for your interests which you need and justly require.”

A Voice.—“How about the Pacific Railroad?”

“In regard to the Pacific Railroad, I can only turn

to my record on that subject. I believe the Pacific Railroad to be a national and political and military necessity. I believe that there should be a railroad binding this great Continent together with its iron bands. It is riveted and banded together now by mountain and river and plain, upon which are written: "What God has joined together let no man put asunder." And when the tide of immigration poured across these Plains and made these States of the Pacific Coast, looking out over the slope of the Sierras across the Pacific Ocean to the birthplace of mankind, the Continent of Asia, I believed it was our duty, the duty of those of us living in the older States, to make the means of transit between the Pacific and Atlantic States not a slow and toilsome journey by ox or horse or mule team, but by the iron horse that we have in all other portions of the land. Years and years ago, before there was a Pacific Railroad bill passed in Congress, I was its earnest advocate. When men talked about the amount of money that would have to be paid by the general government in the building of a line of road, I said that was not an iota in the balance in comparison with its national benefits. Since that time the necessity for it has been enhanced. It is needed for the development of this mineral wealth. Go with me to Austin, where I saw their seams of silver with my own eyes. There are mines there which would be sources of wealth on either side of the Sierra Nevadas. Many of them, besides those now being worked, could be developed, but cannot be now. Why? Because of their distance from their base of supplies; because

of the great cost of freight,—of machinery. But when we have a Pacific Railroad opening to this vast interior region, with all its enormous resources, then the mining pioneers of our country will be able to work with great profit the mineral lands which cannot now be worked at all. It will pay back to our national treasury far more than the bonus which may be given to aid in the construction of such a railroad or railroads; it will add to our national wealth; besides being a bond of union, firm as the eternal hills, over which the tracks will run. And I believe that it is about to come, and come rapidly, if continued peace enables us to devote the energies of the country to it."

Several days were spent in and around Virginia City, in examining the mines. The famous "Comstock Lode" was fully explored by the party, with all its wonderful wealth of silver. Then leaving Virginia City, by stage, the party drove rapidly towards the great mountain range of our western coast, the Sierra Nevada. The journey was resumed by sunrise, and breakfast was eaten at Steamboat Springs, a place which derives its name from a series of remarkable springs close by, from which the hot steam escapes in puffs like those of a steamboat. Then, plunging down into the valley, they drove by Washoe Village and Lake, where a bountiful lunch and a warm welcome, which were gracefully acknowledged by Mr. Colfax, awaited them. Further on, at Carson City, the capital of the new State, Mr. Colfax was met by a volunteer company headed by a brass band and the Governor of the State. Speeches and a dinner were the order of the day at this place, and then the ride was resumed.

Climbing the eastern slopes of the Sierras, with the sighing of the tall pines filling the moon-lighted air with their strange, weird music, the travellers came to Lake Tahoe, whose waters danced merrily in the moonbeams in their lofty bed six thousand, five hundred feet above the sea level. A little steamer, just built, was waiting at the hotel for the distinguished guests, and had the honor of carrying as its first passenger the "third officer of the Government." The sail over the lake was delightful, and after this was accomplished, the stage rolled on, down the western side of the Sierras, into California. The road over which it passed is a marvel of western energy and fertility of resource. The whole road, from Carson City, Nevada, to Placerville, California, a distance of one hundred miles, is sprinkled regularly every day during the Summer by water carts, to lay the dust for the travellers. Placerville was reached after nightfall, but not too late for a splendid reception by the citizens. Speeches and a grand midnight dinner were the programme. The stages were now left behind, and the Speaker and his friends were embarked on the cars of the railroad and conveyed to Sacramento, sixty miles distant, which was reached in the morning in time to partake of a sumptuous public breakfast. Then, embarking on a large and handsome steamer, as comfortable and as elegant as any on the Eastern rivers, a delightful sail down the Sacramento river, brought them to San Francisco, the "Golden City of the West," late on the night of July 1st, where quarters had been provided for them at the Occidental Hotel.

CHAPTER IX.

Review of the Journey—Departure for Oregon—Journey through that State—Portland—Excursion on the Columbia River—Reception at the Dalles—Washington Territory—Reception at Olympia—Puget Sound—Reception at Vancouver's Island—Speech at Victoria—Return to San Francisco—Excursions through California—Honors to Mr. Colfax by the Citizens of San Francisco—The Chinese Dinner—The Parting Banquet—Speech of Mr. Colfax—Departure from California—Remarks of Mr. Bowles on Mr. Colfax's Receptions by the people—The Voyage home—Panama—Crossing the Isthmus—Arrival in New York—Mr. Colfax's Lecture.

THE Continent was crossed. Mr. Colfax and his companions had travelled fifteen hundred miles by railroad, from the Atlantic to the Missouri, two thousand miles, by stage, across the Plains and mountains, sixty miles by railway again, and then one hundred and fifty miles by steamboat down the Sacramento river—a grand total of three thousand seven hundred and ten miles—in seven weeks. This, too, in almost a straight line across the Continent, or as Mr. Bowles aptly says, “Within hail of a single parallel line from East to West, and still the Republic!”

A few days were spent in San Francisco in seeing the sights of the city, and enjoying the private hospitality of the citizens—all public demonstrations being delayed until the Speaker's return from Oregon—and on the 10th of July, the party bent their steps northward, for a visit to Oregon and Washington Territory. The railroad dropped them in the Sacramento Valley,

about fifty miles from San Francisco, and from this point the journey was continued by stage, through a country almost tropical in the richness of its natural productions; by the little town of Red Bluffs, now noted as the home of the widow and daughters of John Brown; and in sight of the snow-capped mountains of the Sierra Nevada. Shasta, king of the western range, reared its lofty head high above its companions, as if to assert its royalty, and extorted the enthusiastic praise of the travellers. Soon the Oregon boundary was crossed, Jacksonville passed, and late one afternoon the party enjoyed, from a lofty hill, a glorious view of the beautiful and fertile Valley of the Willamette, which is green with its abundant grass all through the entire year. Eugene City, Corvallis, Albany, Salem, the capital of the State, and Oregon City, were passed in the order named, and Portland, the largest city in the State, was reached. This city has a population of seven thousand and is the great centre of trade in the State, being no mean rival of San Francisco itself. It is situated on the banks of the Willamette river, about twelve miles above the junction of that stream with the Columbia, and one hundred and thirty-two miles, by water, from the Pacific Ocean. It is accessible by ships and ocean steamers of the largest size, and many of the latter are to be seen in its harbor during the busy season.

Mr. Colfax and his friends were the recipients of the cordial hospitalities of the people of Portland, and during his brief visit the Speaker made many friends there.

In order to afford Mr. Colfax and his party an opportunity to witness the improvements which had been made in the navigation of the Columbia River, as well as to view the magnificent scenery of that stream, the officers of the "Oregon Steam Navigation Company" placed a special steamer at their service, for a two days' excursion on the Columbia.

Leaving Portland, one morning, on a large and elegant steamer, the party sped down the Willamette to the Columbia, and turned into the broad, deep current of the great river of the Northwest. A brief halt was made at Vancouver, where the Speaker and his companions partook of the hospitality of the officers of the garrison. Fifty miles further up the stream, the travellers left the steamer at the Cascades, and were conveyed around these rapids by a fine railway, for a distance of five miles. At the head of the "Cascades," a second steamer, in every way the equal of the first, received them, and conveyed them to the Dalles, forty-five miles higher up the river. The route now lay through the magnificent pass by which the Columbia breaks through the mountains, and the scenery was sublime. At the Dalles, a town of twenty-five hundred inhabitants, and the centre of an active trade, the river is again interrupted for a distance of fifteen miles by rapids. The travellers were conveyed around this obstruction by railway, and at Celilo, at the head of the rapids, found a third large and elegant steamer, "with large state rooms, long and wide cabins, various and well served meals," awaiting them. From this point there is uninterrupted navigation to White Bluffs,

one hundred and sixty miles further up the stream. A part of the travellers spent the night on the boat at Celilo; but Mr. Colfax and several others went back to the Dalles, to address the people, who had requested them to do so. They returned to the boat at Celilo, a few hours before daybreak the next morning, and soon after started up the river again. The trip was continued about forty miles above Celilo, to a point two hundred and sixty miles from the sea, and at which the shores had melted down to a low, flat prairie. The boat was then put about, and the party returned to Portland over the route by which they had come, enjoying, during the greater part of the entire trip, magnificent views of Mount Hood.

On the 25th of July, Mr. Colfax's party left Portland, and were conveyed by steamer to Monticello, in Washington Territory, fifty-two miles from Portland. From this place, a ride of two days across the country, some in a rough wagon, and some on horseback, brought them to Olympia, the capital of the Territory, at the head of Puget Sound. They entered the town at night, and were received by Acting-Governor Evans and a grand procession, headed by a brass band. The visit to Olympia was very brief, as the steamer for Victoria, Vancouver's Island, was in waiting.

A delightful sail of a day and a night down Puget Sound brought the party to the beautiful landlocked harbor of Victoria, which is a part of the domain of Her Majesty the Queen of Great Britain. A day and a half were spent pleasantly at this place. The American residents and the British citizens joined right

heartily in welcoming their distinguished visitor. A "grand dinner" was given to the Speaker, at which the Colonial officials were present, and which was marked by the greatest cordiality and good feeling. Mr. Colfax returned his thanks for the honor done him, in an eloquent speech. He said:

"You have given me a welcome that is truly gratifying. I see around me not only American citizens, but the officials, civil and military, and the subjects of that great and good woman, Queen Victoria. Although I am a republican in every sinew and fibre, I never think of her without my heart flowing with gratitude. When our country was in imminent peril, and when Great Britain and America, the representatives of a common lineage, a common language, and, if such it can be called, a common religion, were almost embroiled in mortal conflict on the Trent difficulty, Queen Victoria stepped in and demanded of her ministers that the character of their missives should be conciliatory; that it should not be repulsive to the United States, but should enable the American people to comply with the request without any sacrifice of honor. On that occasion she proved her wisdom, her sagacity, and her kindness. * * * * *

"I know there are difficulties between the United States and nations on the other side of the Atlantic; but these can be safely confided to the sagacity and wisdom of the respective governments. We Americans should never forget, so long as we speak the same tongue, how much we owe to the people of the British Isles,—in science and art; in history and literature;

in poesy and song. We claim an equal share in the fame of Shakespeare and Milton, Cowper and Pope, Gibbon and Macaulay, Newton and Rosse. * * *

“The people of Great Britain respect the memory of Wilberforce. I think it was Macaulay who said of that great man, when he ascended to the judgment-seat of God, that he held in his hands the shackles of a hundred thousand of his fellow-beings. We had another name hallowed in all our memories, and never to be forgotten in connection with the emancipation of the slaves—the name of a great and good and kind-hearted man,—Abraham Lincoln,—who, taking the helm of State, never despaired of our great Republic, proving himself the faithful and indomitable pilot, steering through good and ill the Ship of State. While he stood at the helm, he was the greatest and purest and best in the land; and when he went above, he took with him the fetters of a down-trodden and oppressed race, which no power on God’s footstool could ever again place on their enfranchised limbs. The whole civilized world now sees that, when ingrates and rebels lit the torch of civil war, they also lit the funeral pyre of the institution of slavery. Let me not be misunderstood; I believe that this war will open a new era for the genial and fertile land of the South. The honorable gentleman here sketched in glowing language the peculiar advantages of the South, saying that it held three great keys of the country,—Hampton Roads, the keys of Florida and New Orleans; and that, with free and paid labor to replace that enforced system of labor which had been a blight to mankind,—for with Lamar-

tine he believed that God never allowed a chain to be bound round the limbs of the slaves, without forging the other end round the neck of the oppressor,—the fortunes of the country would again be in the ascendant. If our people were only faithful to themselves, to their institutions, to the country, they would merit and attain to the grandest destiny that lay in the womb of Time for any nation on the globe. Instead of thirty-six stars, a whole galaxy of blazing orbs would spangle that glorious field of blue. The star of Washington Territory,—that only Territory that has been named after the great and immortal statesman,—would shine there; the stars of Idaho, of Montana, of Colorado, of all the Territories, would shine on that glorious flag; and all these noble States would revolve round the Central Government as one Central Sun—distinct as the billows, but one as the sea!

Embarking in the steamship *Sierra Nevada*, the party proceeded to San Francisco by sea. The Pacific was very rough during the three days' voyage, and the voyagers were glad when they were safely through the portals of the Golden Gate, and once more on *terra firma*.

After the return of the party to San Francisco, excursions were made, during the month of August, to many of the points of interest in the State. The line of the Central Pacific Railway was visited and inspected, and the Speaker made fully acquainted with its wants and hopes. The Yosemite Valley, the Big Trees, the Geysers, the Steamboat Springs, the Wine country, the Mines, the Sea shore, were all visited in

their turn, until the whole State became familiar to the party.

During their stay in San Francisco, Mr. Colfax and his friends were the constant recipients of the unstinted hospitality, both public and private, of the citizens. A notable feature of these attentions, was the public dinner given to the Speaker, on the evening of the 17th of August, by the leading Chinese merchants of the place. The feast was given in the upper room of the principal Chinese restaurant of the city, and was served with true Asiatic magnificence. The party numbered from fifty to sixty, half Chinese, half whites, and were seated around little tables, six to nine at a table, hosts and guests evenly mixed. The service was of the finest and most exquisite China ware, and the viands consisted of Chinese sauces, pickles, sweetmeats, preserves, nuts, fried shark's fins, and grated ham, stewed pigeon with bamboo soup, fish-sinews with ham, stewed chicken with water-cress, sea-weed, stewed ducks and bamboo soup, sponge cake, omelet cake, flower cake and banana fritters, bird-nest soup, tea, a white rose-scented liquor, very strong and served in tiny cups, lichens, a moss-like fungus, stewed chestnuts, Chinese oysters (dried and sent over from China), a stew of flour and white nuts, stewed mutton, roast ducks, rice and duck's eggs and pickled cucumbers, ham and chicken soup. It was not etiquette to take more than a mouthful of each dish. The dinner was divided into three courses, between each of which the company retired into an adjoining room for half an hour, and smoked, talked and listened to Chinese

music. The entertainment lasted from five in the afternoon till eleven o'clock, and at the close of it, the Americans were about half starved.

It was Mr. Colfax's intention to return home by steamer on the 3d of September, and just before his departure he was honored with a grand farewell ball and banquet by the leading citizens of the place. The entertainment was one of the most magnificent of its kind ever given in America, and the company was large and brilliant. In response to the farewell toast of health and happiness to the Speaker on his homeward voyage, Mr. Colfax spoke as follows :

*"Ladies and Gentlemen:—*The brevity that an occasion like this commands, impels me to omit much that rises before my mind as I stand before you. But the kind and generous hospitalities of which we have been the recipients, culminating in this brilliant testimonial, which is at once a reception and a farewell, and the very cordial and complimentary address to which I have just listened, forbid that I should remain entirely silent.

*"*Just two months ago, after journeying over thousands of miles of mountains and valleys and deserts and plains, your honored Mayor, and a Committee of your Supervisors met us in the cabin of the steamer 'Chrysopolis,' and gave us an official welcome to this seven-hilled city. Since then, in all our travels upon this coast, we have been accustomed to speak of San Francisco as a home. And now, though I came here a stranger and a traveller, I feel like one who is indeed about to leave his home and hearthstone. [Applause.]

“When, on Saturday morning, I sail out through the Golden Gate upon the broad ocean, and see headland and cliff recede from view, I shall feel as now the inward struggle between the joy with which I think of the home and the many friends of many years, I am going to, and the regret with which I leave the home I hope I have in the hearts of new friends here.

“Our party came hither to learn, by actual observation, more of this Pacific portion of the Republic, its resources and its wants; and you can testify that the grass has not grown under our feet. We have seen your varieties of mining,—placer, hydraulic and quartz. We have seen many of your rich agricultural valleys,—the Sacramento, San Joaquin, San Jose, Petaluma, Russian River, Napa, Sonoma, Alameda, and others. We have travelled on nearly every mile of your two hundred to three hundred miles of railroads, closing with the delightful excursion to-day on the Alameda Railroad, for which we were indebted to its President, Mr. Cohen. We have visited, or passed through, over half of your cities and towns. We have enjoyed visits to your great natural curiosities, the world renowned Yosemite Valley, to be visited by thousands, hereafter, instead of scores, if California, by wise legislation, appreciates the gift of it from the general government,—the Big Trees, the Geysers, and your neighbors, the Sea Lions.

“We have examined, with interest, many of your manufactures, and reared as I was, in the school of Henry Clay, to believe in American manufactures, I am prouder of the suit in which I am clothed to-night,

of California cloth, from wool on the back of California sheep, woven by the Mission Woollen Mills, and made here, than of the finest suit of French broadcloth I ever owned. [Applause.] I would urge you, in these last words, to foster manufactures, which are the backbone of national or State prosperity and independence. Even if they should not be profitable as a pecuniary investment, every triumph of mechanical or manufacturing industry here, is another spoke in the wheel of your progress. Develop and foster commerce on your great Pacific sea; for Raleigh spoke truly when he said, 'Those who command the sea, command the trade of the world; those who command the trade of the world, command the riches of the world, and thus command the world itself.' [Applause.]

"But the moments sweep by, and I must not detain you longer. There have been weary hours in all this incessant journeying, but they have been happy and golden hours, too; happy, because full-freighted with hospitality and feasts to the eye and the mind; golden, because filled with recollections that will never die; friendships never to be forgotten till this heart ceases to beat; affectionate regards more priceless than the wealth of Ormuz and the Ind; and memories enshrined in the soul forever. [Applause.]

"Hoping I have a happy God speed from you all on the long journey before me, I must now say farewell—no, not farewell, for that seems for life, and

'Farewell, farewell, is a lonely sound

That always brings a sigh;

But give me rather, when true friends part,

That good old word, good-bye.'

“And thus, to friends of other years, whom I have met here so happily again, and to the newer friends I have found in your midst, I bid you, one and all, not a life-long but a regretful Good-Bye.”

Every thing being in readiness, Mr. Colfax and his companions, on the 3d of September, embarked on the Pacific Mail Steamship Company's Steamer *Golden City*, for Panama, and sailed from California. The great journey to the Pacific was over, and the travellers were going home.

In place of any comments of our own, upon this remarkable trip, we beg the reader's attention to the following remarks of one of Mr. Colfax's companions, to whose valuable work we are indebted for the best account that has been given of the journey. He says:

“The Speaker's public visit, or perhaps more properly, his public reception may be said to be over. It has been a remarkable one for its generosity and universality and spontaneity; altogether unexpected to him, and so still more flattering; and greatly creditable to the hospitality and genuine patriotism of the people of these States. I have omitted any record of it, in our progress from town to town and State to State, because the story in all general terms was the same. But now that it is substantially over and the journey completed, it is only simple truth to say that no man ever had such a generous popular welcome on these shores before. From his arrival at Austin in Nevada, where we first struck the spreading tide of Pacific civilization and population, through that State, through California to this city, and again northerly through the State,

through Oregon and Washington, and into the British Provinces, up to this time,—a period of six weeks,—his progress through the country has been a continuous popular ovation. Everywhere the same welcome from authorities and citizens, the same unstinted proffer of every facility for the journey, for seeing all parts of the country, all shades of its development: special coaches, special trains and extra steamboats have been at his service; welcome everywhere to confidence, to fullest fact from most intelligent sources; welcome everywhere by brass band, cannon, military escort, public addresses; and everywhere, even to smallest village and tavern collection of neighboring rancheros, the same eager desire to hear the distinguished visitor speak, and eke then for big or little orations from his less distinguished companions.

“There is a combination of causes for the marked demonstrativeness and popularity of this welcome to Mr. Colfax in all this region. Chief, of course, are his conspicuous public position, and the fact that he is the first man high in State who has ever visited the Pacific States for the simple and sole reason of studying their resources and interests, so as the better to serve them in the government; his early and steady friendship and leadership in important legislation at Washington in behalf of all this region; his wide personal popularity among public men and private men, who have ever known him, and the magnetic spread of this popularity along his journey from his intercourse with the people and his speeches to them. We must add to these reasons, now, the newly-developed and hearty sympathy

of these western States with the political experiences and interests of the East; their inability to share in the war directly, but their therefore more intensely loyal feeling in regard to it and its issues, and the limited occasion for expressing it. Also, and an important consideration, is the eager looking for larger knowledge and new appreciation of the capacities and interests of these States, in this time of their depression and comparative poverty; and the desire for the spread of such information among the public men, and through the press of the East, as will lead to a fresh emigration and a new supply of capital. It is dull times here; it is flush times in the East; and the West would borrow of our new life and prosperity. Mr. Colfax and his companions were men thought to be in positions to contribute to such results; and part of their welcome, part of the generous confidence and hospitality that have been extended to them, have confessedly been on this ground. Such union of motive,—gratitude, appreciation, loyalty, wise and creditable selfishness, have inspired and fed most bountiful welcome and treatment. These Western people never do any thing by halves; they give of feeling and of time and of money, whenever they are moved, without stint, without calculation.

“Mr. Colfax has freely gratified the popular desire everywhere to listen to his voice; no place on his route was too small, no gathering too insignificant, to be turned off with indifference, when such hearty greeting appealed for attention; and he has spoken, long and short, an average of at least once a day since he left the Missouri River;—some days his speeches

number four and five. Never much studied, they were rarely alike in form; never greatly elaborated, they always reached a high level of popular eloquence. The average quality of excellence in all his efforts has surprised me: I doubt if any other of our public men could speak so often and so much, and on such various occasions, and succeed so well in all. The characteristics of his speaking have been practical wisdom or good sense, entire frankness in utterance of opinions, a charming simplicity in his style of oratory, coupled with a ready, clear expression, and a steady natural enthusiasm, which have kept his hearers in constant sympathy with his individuality. The staple subjects he has treated have been the War and the questions growing out of it, the Resources of the Pacific States and their development, the Mining and the Taxation of its results, the Mexican question and the Monroe doctrine, the Future Destiny of the Republic, Mr. Lincoln and his Character, the Pacific Railroad, and such local and personal matters as the place and hour suggested.

“As to the mines and the taxation of their products, which is a subject of much anxiety in the mining districts, Mr. Colfax has taken the ground that the mineral lands should be thrown open by the Government to the free occupation of discoverers and workers, the same as our agricultural lands, and under similar regulations to those the miners themselves have adopted, in the absence of any Governmental action, and that the Government should not tax the product until it passes, finally, in the form of bullion,

into the commercial uses of the world;—the same as it taxes grain only in the form of whiskey and flour, sheep and wool as cloth, and the woods in their last processes of manufacture. He argued this point so justly and strongly that he gained general acquiescence even from the classes who have generally contended that mining should, in no form or stage, be obliged to contribute to the support of the Government.

“On the Mexican question, he even more bravely set himself against the current of public opinion on this coast. Here it is popular to talk of ‘cleaning out’ Maximilian in sixty days; of taking up arms for the Juarez Government, even if war with England and France should thus be precipitated. Mr. Colfax said distinctly that he had no sympathy with this demand; he believed in the Monroe doctrine, he thought the Juarez was the rightful Government of Mexico; but he was for no hasty, no harsh action by our people or Government. We should have no new war if it could be avoided honorably; we needed the healing, developing influences of peace; we needed to build the Pacific Railroad, to develop our mines and our manufactures and our agriculture, and to pay our debts,—all which would be forbidden or suffer delay and depression under foreign war; and he believed that with patience and tact, and a generous confidence in our Government by the people, the Mexican question would be satisfactorily solved ere long, without any such dire calamity as a new and general taking up of arms by the nation. Pressing these views constantly and against the popular passion, he has clearly

made a strong impression in their favor ; leading citizens and prominent journals have responded to his opinions ; and he may be said to have worked almost a revolution in the current public sentiment of the Pacific States on this subject ; while he has added to the universal respect felt for him personally by his courage in espousing an unpopular view here. His visit may be counted as of real national benefit for the influence of his course in this matter alone.

“Mr. Colfax’s speeches at Austin, Virginia City, Placerville, Sacramento, San Francisco, Portland, and Olympia, may be reckoned as his most complete and satisfactory and statesmanlike discussions. That at the dinner-table in Victoria, to his combined American and British entertainers, was his finest specimen of popular eloquence ; it was well-conceived and tasteful in thought, well-pitched and richly sustained in expression ; and its impression upon his audience, one of the most intelligent and critical he has ever addressed, was most decided and gratifying. The leading English gentlemen present were enthusiastic concerning both its matter and manner. It breathed the spirit of peace and fraternal feeling towards the English sovereign and people ; while setting forth most effectively the success and destiny of the great American Republic.

“Mr. Colfax has indeed gained credit and popularity everywhere on his journey ; and his visit here is likely to prove as valuable to him personally, in his growth as a public man, as it surely will be important and useful in intertwining the bonds of business

and of political union, of profit and of patriotism, among the widely separated States of the nation. Of his companions in his travels, Governor Bross has generally joined him in addressing the popular audiences that have welcomed the party, and Mr. Richardson occasionally, and both with much acceptance. The Governor is sure to gain the cheers of the men, the smiles of the ladies; and Mr. Richardson has charmed all by his cultured sentences and his well-rounded rhetoric." *

A pleasant run of fourteen days, with the west coast of the continent almost within gunshot all the way, brought the steamer to the lazy, tropic town of Panama, and a quick trip by railroad across the poisonous jungles and swamps of the Isthmus, carried our travellers to Aspinwall, where they embarked for New York, which they reached after an unusually pleasant voyage of six and a half days, landing in that city on the 23d of September.

The journey and its incidents furnished Mr. Colfax with the material for an interesting and valuable lecture on the subject. He has repeated this lecture in almost every city in the Union, but without any very great pecuniary profit to himself, as he has usually given the proceeds of the entertainment to some charitable object—thus quietly and unostentatiously laying up a treasure "where moth and rust do not corrupt."

* "Across the Continent." By Samuel Bowles. The reader will find this a valuable and interesting work.

CHAPTER X.

Meeting of the 39th Congress—Mr. Colfax elected Speaker—His Address—Measures of Congress—Conflict with the President—Elected to the 40th Congress—Again chosen Speaker—Meeting of the Chicago Convention—The Platform—Nomination of General Grant—Balloting for Vice-President—Choice of Mr. Colfax—Scenes in the Convention—Announcement to Mr. Colfax—Scene in the Speaker's Room—Reception of Mr. Colfax—Congratulated by the Democrats—General rejoicing—Formal Announcement of his Nomination to Mr. Colfax—His Reply—Scene at General Grant's Residence—Mr. Colfax's Letter of Acceptance—Personal Sketch of Mr. Colfax.

THE Thirty-Ninth Congress met in Washington on the 4th of December, 1865. After the call of the roll, the House proceeded to elect a Speaker. Mr. Morrill, of Vermont, nominated Mr. Colfax, and Mr. Winfield, of New York, Mr. Brooks. The vote was taken with the following result :

For Mr. Colfax 139

For Mr. Brooks 36

The Clerk then announced the result, and Mr. Colfax was conducted to the Chair, from which he thus addressed the House :

“Gentlemen of the House of Representatives: The re-assembling of Congress, marking, as it does, the procession of our national history, is always regarded with interest by the people for whom it is to legislate. But it is not unsafe to say that millions more than ever before, North, South, East, and West, are look-

ing to the Congress which opens its sessions to-day, with an earnestness and solicitude unequalled on similar occasions in the past. The Thirty-Eighth Congress closed its constitutional existence with the storm cloud of war still lowering over us, and after nine months absence, Congress resumes its legislative authority in these council halls, rejoicing that from shore to shore in our land, there is peace.

“Its duties are as obvious as the sun’s pathway in the heavens. Representing in its two branches the States and the people, its first and highest obligation is to guarantee to every State a Republican form of Government. The Rebellion having overthrown Constitutional State Governments in many States, it is yours to mature and enact legislation, which, with the concurrence of the Executive, shall establish them anew on such a basis of enduring justice, as will guarantee all necessary safeguards to the people, and afford what our Magna Charta, the Declaration of Independence, proclaims is the chief object of government—protection to all men in their inalienable rights. The world should witness, in this great work, the most inflexible fidelity, the most earnest devotion to the principles of liberty and humanity, the truest patriotism, and the wisest statesmanship.

“Heroic men, by hundreds of thousands, have died that the Republic might live. The emblems of mourning have darkened White House and cabin alike; but the fires of civil war have melted every fetter in the land, and proved the funeral pyre of Slavery. It is for you, Representatives, to do your work as faith-

fully and as well as did the fearless saviours of the Union in their more dangerous arena of duty. Then we may hope to see the vacant and once abandoned seats around us gradually filling up, until this hall shall contain Representatives from every State and district; their hearts devoted to the Union for which they are to legislate, jealous of its honor, proud of its glory, watchful of its rights, and hostile to its enemies. And the stars on our banner, that paled when the States they represented arrayed themselves in arms against the nation, will shine with a more brilliant light of loyalty than ever before."

The oath of office was then administered to Mr. Colfax, and the business of the house was commenced.

The sessions of the Thirty-Ninth Congress are among the most memorable in our history. They witnessed the discussions and passage of the Second Freedman's Bureau Bill, the Civil Rights Bill, the Tenure of Office Bill, and the Reconstruction measures of Congress. At the first session of this Congress, also, began that fatal conflict between the President and Congress, provoked by the obstinacy and errors of the former, which has been so detrimental to the welfare of the country. The sessions of the House were often exciting and stormy, and it required no little skill, tact, and firmness on the part of the Speaker, to maintain order in that unruly body. The task was well performed, however, and so fairly and manfully, that to-day Mr. Colfax is as popular a Speaker with the Democratic members of the House, as with his own party.

In the fall of 1866, Mr. Colfax was again nominated to Congress by his party, and elected by a majority of 2,148 votes. He was elected Speaker of the Fortieth Congress, which met in December, 1867, and still holds that position—the most popular presiding officer the House has had since the days of Henry Clay.

The National Convention of the Union Republican party met at Chicago on the 20th of May, 1868, for the purpose of nominating candidates for the high offices of President and Vice President of the United States, and framing a platform expressive of the principles of the party. It remained in session two days. The first day was spent in organizing, and on the morning of the 21st, the Committee on resolutions reported the following platform, which was adopted unanimously :

“ The National Republican Party of the United States, assembled in National Convention in the City of Chicago, on the 20th day of May, 1868, make the following declaration of principles :

“ 1. We congratulate the country on the assured success of the Reconstruction policy of Congress, as evinced by the adoption in the majority of the States lately in rebellion, of Constitutions securing equal civil and political rights to all, and it is the duty of the Government to sustain those institutions and to prevent the people of such States from being remitted to a state of anarchy. [Cheers.]

“ 2. The guarantee by Congress of equal suffrage

to all loyal men at the South was demanded by every consideration of public safety, of gratitude, and of justice, and must be maintained; while the question of suffrage in all the loyal States properly belongs to the people of those States. [Cheers.]

"3. We denounce all forms of repudiation as a national crime [prolonged cheers]; and the national honor requires the payment of the public indebtedness in the uttermost good faith to all creditors at home and abroad, not only according to the letter but the spirit of the laws under which it was contracted. [Applause.]

"4. It is due to the labor of the nation that taxation should be equalized, and reduced as rapidly as the national faith will permit.

"5. The national debt, contracted, as it has been, for the preservation of the Union for all time to come, should be extended over a fair period for redemption; and it is the duty of Congress to reduce the rate of interest thereon, whenever it can be honestly done.

"6. That the best policy to diminish our burden of debt is to so improve our credit that capitalists will seek to loan us money at lower rates of interest than we now pay, and must continue to pay, so long as repudiation, partial or total, open or covert, is threatened or suspected.

"7. The Government of the United States should be administered with the strictest economy, and the corruptions which have been so shamefully nursed and fostered by Andrew Johnson call loudly for radical reform.

"8. We professedly deplore the untimely and

tragic death of Abraham Lincoln, and regret the accession of Andrew Johnson to the Presidency, who has acted treacherously to the people who elected him, and the cause he was pledged to support ; who has usurped high legislative and judicial functions ; who has refused to execute the laws ; who has used his high office to induce other officers to ignore and violate the laws ; who has employed his executive powers to render insecure the property, the peace, liberty and life of the citizen ; who has abused the pardoning power ; who has denounced the National Legislature as unconstitutional ; who has persistently and corruptly resisted, by every measure in his power, every proper attempt at the reconstruction of the States lately in rebellion ; who has perverted the public patronage into an engine of wholesale corruption, and who has been justly impeached for high crimes and misdemeanors, and properly pronounced guilty thereof by the vote of 35 Senators.

“9. The doctrine of Great Britain and other European powers, that because a man is once a subject he is always so, must be resisted at every hazard by the United States, as a relic of the feudal times, not authorized by the law of nations, and at war with our national honor and independence. Naturalized citizens are entitled to be protected in all their rights of citizenship as though they were native born, and no citizen of the United States, native or naturalized, must be liable to arrest and imprisonment by any foreign power for acts done or words spoken in this country ; and if so arrested and imprisoned, it is the duty of the Government to interfere in his behalf.

“10. Of all who were faithful in the trials of the late war, there were none entitled to more especial honor than the brave soldiers and seamen who endured the hardships of campaign and cruise and imperilled their lives in the service of the country ; the bounties and pensions provided by the laws for these brave defenders of the nation are obligations never to be forgotten ; the widows and orphans of the gallant dead are the wards of the people, a sacred legacy bequeathed to the nation's protecting care.

“11. Foreign emigration—which in the past has added so much to the wealth, development and resources and increase of power to this nation, the asylum of the oppressed of all nations—should be fostered and encouraged by liberal and just policy.

“12. This Convention declares itself in sympathy with all the oppressed people which are struggling for their rights.”

After the adoption of the Platform, the Convention proceeded to the choice of a candidate for the Presidency, and the illustrious soldier, General Ulysses S. Grant, was nominated by acclamation.

It then became necessary to ballot for the candidate for the Vice-Presidency.

The correspondent of the *New York Tribune* thus describes the balloting :

“After a new campaign song from a quartette club, a delegate moved that the Convention proceed to select a candidate for the Vice-Presidency. This was the signal for work, and it was begun without delay. A delegate from Virginia rose and placed in nomina-

tion Senator Henry Wilson, of Massachusetts. The nomination was received with applause, and before Massachusetts could get an opportunity to second the nomination of her favorite son, Mr. Brown, a delegate from Allegheny, Penn., rose and nominated Schuyler Colfax. He said that his delegation had been instructed by the State Convention to support Andrew Curtin, but that he could not, for the constituency which he represented, who never gave less than 10,000 Republican majority, had indicated their first and last choice to be that true and upright Republican, Schuyler Colfax. This was the occasion of some confusion; it apparently took every body but the Pennsylvania delegates by surprise. Order was soon restored, however, by the excellent management of President Hawley, who, by the way, has filled the position most creditably. The nomination of Colfax by Brown was not according to the plan prescribed by his friends; and, when order had been restored, ex-Senator Lane, of Indiana, rose, and in a most eulogistic speech of ten minutes formally nominated Mr. Colfax, as the choice of his native State, Indiana. New Jersey joyfully seconded the nomination. It was observable at this time that a large majority of the multitude in the house were evidently the friends and admirers of Mr. Colfax. Benjamin F. Wade was nominated, and his name drew forth the applause of the whole house. Cheers were three times given for 'Honest Ben Wade.' If Trumbull, Grimes, Fessenden & Co. could have been in the Convention to hear these cheers, they would have seen where the Re-

publican party stands, and how Republicans feel on impeachment. Carl Schurz, on behalf of Missouri, seconded Mr. Wade's nomination, and Mr. Spalding, of Ohio, followed with a remark that it was the first time on record, since the formation of the Republican party, that Ohio was unanimous in a National Convention. Next came New York. The Hon. Lyman Tremaine rose, and, in a most eloquent and laudatory speech, nominated Gov. Fenton, of New York. The nomination was seconded by Louisiana and a portion of Illinois, and was received with enthusiasm. James Speed, of Kentucky, A. G. Curtin, of Pennsylvania, Hannibal Hamlin, of Maine, Senator Harlan, of Iowa, Senator Pomeroy, of Kansas, ex-Senator Cresswell, of Maryland, and John D. Kelly, of Pennsylvania, were also placed on nomination, out of compliment only. The speeches accompanying these nominations consumed a deal of time, and many of the delegates, impatient for a ballot, began to cry down the orators. Just before the nominations were closed, General Sickles supported the nomination of Gov. Fenton in strong terms. In the course of his remarks he had occasion to mention the name of Edwin M. Stanton, which was received with tremendous applause. The first ballot was taken amid much excitement, the deepest interest being manifested by the friends and admirers of the various candidates. As each State announced its choice, cheers followed. The first ballot was announced, and stood thus :

Wade,	149
Fenton,	132

Wilson,	. . . . .	119
Colfax,	. . . . .	118
Curtin,	. . . . .	52
Hamlin,	. . . . .	28
Speed,	. . . . .	22

And several scattering.

"No choice having been effected, an effort was made to adjourn, but it seemed to be the almost unanimous desire to go on and finish the work. It took 15 minutes to count the vote, during which time the floor on which the delegates sat was a very lively scene. Each candidate had shown his primary strength, and his friends seemed anxious to improve it. It was expected that Wade would stand fire, but Fenton's being second astonished his most sanguine friends. They were surprised at the popularity of their candidate; it filled them with renewed energy, and inspired them to make a strong effort again. A second ballot was taken which varied little from the first, with the exception that those candidates who were nominated merely out of compliment were withdrawn, and the strength of all the regular candidates was more clearly shown. Wade came out first, Fenton second, Colfax third, Wilson fourth, Curtin fifth, and Hamlin last. Colfax's increase inspired his friends, but they did not seem to care to work, evidently depending on the national popularity of their candidate to carry him through. The friends of the other candidates, however, thought it necessary to work if they would succeed, and they did. The scene in the interim of counting the vote reminded one of Wall-st. during the

excitements in gold speculations in war times. The canvassing and wire-pulling were kept up with the fiercest spirit, and each count was looked forward to with the most nervous interest. The third count showed that while Wade and Fenton varied very little Colfax gained steadily. On the fourth ballot Pennsylvania dropped Curtin and threw the majority of her vote for Wade. This sent Wade stock up above par; but the final count showed Colfax to be steadily gaining.

“I forgot to mention that on the second ballot four men of the Ohio delegation broke from Wade and went over to Colfax. This foreshadowed his defeat. On the third ballot one more vote of Ohio went from Wade to Colfax. In the fourth, still another. At the end of the fourth ballot it became evident that some one of the candidates must be dropped, or that they might keep on balloting until doomsday. Accordingly, after 15 minutes of the most exciting canvass and comparison of notes among the delegates, the fifth ballot was begun. Before the ballot was announced it was known that Wade and Colfax were close together—the latter leading by but few votes. This was on account of the action of the Pennsylvania delegation, which turned a complete summerset from the support of the Senator to the support of the Speaker. There it was seen by the friends of both Wade and Colfax that a little bold dash might carry their candidates through with a rush. The Colfax men had the best of the fight. They had several solid delegations for their favorite, while Ohio was divided. The friends of the Speaker

of the House appealed to Iowa to go solid for their favorite, and the Chairman of that delegation jumped on his feet and, just on the eve of announcing the result of the ballot, he desired the privilege of changing the vote of Iowa. The privilege was accorded him, and while the delegates held their breath in expectation, he announced that Iowa voted solid for Schuyler Colfax!

"This was enough. Two-thirds of the audience rose and cheered and swung their hats several minutes, while Mr. Wade's friends saw that a flood was coming on which would soon engulf all other candidates, but Indiana's favorite son. The effect of Iowa's action was electric. Pennsylvania, whose politicians are always on the winning side, announced through Mr. McClure that the Keystone State would also vote solid for Mr. Colfax. Then it was evident that no human power could keep the nomination from Colfax, and the different delegations began to scramble to see who would be first in line on the winning side. Louisiana followed, then came Massachusetts, District of Columbia, Tennessee, Kentucky, South Carolina, and Florida. Then Maine, like Massachusetts, abandoned its favorite to whom she had faithfully adhered, and gave her vote to Mr. Colfax. Minnesota joined hands with her, and Michigan followed. Then the Wade men in Ohio, seeing that all was lost, authorized Mr. Jones, chairman of their delegation, to cast the vote of the State for Colfax, and after he had fulfilled his mission he strove to have the nomination made unanimous; but there was so much opposition from the delegations

which had not fallen into line that he withdrew the motion. Mississippi followed the example of the others, and Virginia and California did likewise.

"All this while the chairman of the Maryland delegation, and ex-Gov. Brown, chairman of the Georgia delegation, were clamoring loudly to be recognized, and at this stage they were noticed, and they, too—the whole Convention, meantime, cheering—cast solid votes for Colfax. North Carolina, New Hampshire, Nebraska, Kansas, Arkansas, Texas, Missouri, Delaware, fell into line. Then New York was vehemently called for by the audience; but the chairman and associates sullenly held their seats and refused to be coerced by any outside pressure. During the excitement, West Virginia and Nevada followed the States above-named; then Illinois was appealed to, but her chairman failed to respond, and the audience became impatient, and an appeal was made by nearly the whole audience to Gen. Sickles to second New York's vote for Colfax; but Gen. Sickles heeded it not. He was too old a veteran in convention matters to be led away at an improper time. Gen. Logan appeased the impatience of the audience by casting the votes of Illinois solid for Mr. Colfax.

"Then Gen. Cochrane jumped to the floor and demanded that the ballot be read. This was done, and it was found that out of 650 votes cast, Colfax had 522, thus:

Colfax,	522
Fenton,	75

Wade,	42
Wilson,	11
	<hr/>
Total,	650

"As the Clerk read 65 for Fenton, instead of 75; Gen. Sickles took the floor, and demanded that the error be corrected. 'Twas done, and, at the same time, Mr. Jones, of the Ohio delegation, sought to be recognized, so that he might move to make the nomination unanimous; but the Convention drowned his appeals, and called upon Gen. Sickles to perform that duty. The Chair recognized him, and he made a motion that the nomination be made unanimous. Ohio seconded it, and the Convention made it unanimous, with three rousing cheers, followed by three for Fenton, three for Wade, three for Sickles, and three for New York, and finally three for Ben. Wade, and three for the ticket. The enthusiasm was indescribable.

"After this, the National Executive Committee was announced, and the Convention then adjourned. The result of the contest is a surprise to almost every one. Colfax's friends had not been working with as much noise and zeal as was expected of them. Both last night and this morning it was conceded by nearly every one that the contest was really between Fenton and Wade, and when the first ballot was taken the impression was unchanged; but if the majority of the delegations were not for him, the masses who were looking on were.

"Every time his name was mentioned the enthusi-

asm was greater than for any other candidate, and this did as much as any thing to effect the result."

Mr. Colfax remained in Washington during the session of the Convention. On the day of the nominations, a large company of his friends gathered in the Speaker's Room, in the Capitol, where dispatches were being constantly received from the Convention. The result of the ballot for Vice-President was first announced by the following despatch from the Superintendent of the Western Union Telegraph Company, to Mr. Colfax :

"Accept my warmest congratulations upon your nomination for Vice-President on the fifth ballot. Ballot declared amid the wildest enthusiasm and evidence of universal satisfaction.

Signed,

WM. M. ORTON."

Mr. Colfax sent the following reply :

"Thanks for the many telegrams you have sent me to-day. The expression of confidence in me by the party I love so well, fills me with gratitude which feeble words are unable to express.

Signed,

SCHUYLER COLFAX."

"On receipt of this despatch the room rang with cheers, which were again and again repeated. Mr. Colfax was congratulated by the entire company, and the scene hereafter may be imagined. Telegrams now came pouring in on him from all quarters, which it was utterly impossible to answer. The room was thronged by visitors, all eager to shake his hand, and

at one time it looked as though escape from his thousand admirers was an utter impossibility. Democrats and Republicans, Wade men and Wilson men, all beset him, and the expression of hearty good wishes and good will has seldom been equalled. As he was leaving the room the employés of the Capitol gathered around him in the most affectionate manner and tendered him their regards. Walking through the Capitol grounds, he was stopped by citizens who had never spoken to him before, but to whom his features were familiar, and they rushed up to him and shook him by the hand. His progress up the avenue was indeed an ovation. No man has recently been the recipient of more hearty and soul-felt good wishes than the next Vice-President of this Republic. The choice of the Convention for the first and second positions in the gift of the people, was everywhere approved by Republicans, and even Democrats conceded the wisdom of the nominations.

"The Senate was in session until 4 o'clock. The despatches from Chicago were duplicated to Mr. Stanton, Mr. Colfax, Mr. Wade, and Gen. Grant. The telegrams were sent to Mr. Wade while he was presiding over the Senate. Senators, as soon as a messenger entered, went to Mr. Wade's desk, and looked over the despatches as they were received. Mr. Wade, after the adjournment, spent a few moments in the Vice-President's room, where the telegrams were pouring in every ten minutes. After spending half an hour there he went to his rooms at the Washington House, accompanied by Senators Pomeroy, Yates, and others. He

was waited on at his rooms by several personal friends. Mr. Wade manifested entire indifference. He never looked at a despatch, but handed it to his Secretary to read. When the result of the third ballot was announced he was in good spirits, and began to take interest in the result; but when the last telegram was received, announcing the nomination of Mr. Colfax, Mr. Wade said: 'Well, I guess it will be all right; he deserves it, and he will be a good presiding officer.'”*

That evening an informal reception was held at the house of Mr. Colfax, when he received the hearty congratulations of his friends in the city. Many of the Democratic members of the House were present to assure him of their warm esteem, and their hearty satisfaction at the honor conferred upon him by his party.

On the evening of the 29th of May, a brilliant assembly gathered at the residence of General Grant in Washington City, to make a formal tender of the Chicago nominations to General Grant and Mr. Colfax. At a little after eight o'clock the Committee appointed by the Convention entered, headed by their Chairman, General Hawley, the President of the Convention. Approaching General Grant and Mr. Colfax, who were standing side by side in the centre of the room, General Hawley, in an eloquent address, made a formal tender to the former of the nomination of the Republican party for the Presidency, which was accepted by the General in a few fitting and well-chosen words. Then turning to Mr. Colfax, General Hawley said:

“ You have heard our declaration of principles at

* Correspondence of the *New York Tribune*.

Chicago, and therefore I need not repeat it. You are aware that numerous candidates for the Vice-Presidency were presented. They were all loved and respected, and your selection was brought about by the good will and friendship entertained for yourself. You are known to the American people by fourteen years of public service. We know you come from the people, and without false pretence you are faithful to principle. The Convention tenders you the nomination of Vice-President and asks your acceptance. [Applause.]”

To this Mr. Colfax replied :—“Mr. President Hawley and gentlemen—History has already proclaimed that the victories of the party you represent during the recent war always give increased hope and confidence to the nation, while its reverses and defeats ever increased the national peril. It is no light tribute, therefore, to the millions of Republicans in the forty-two States and Territories represented in the Chicago Convention that our organization has been so inseparably interwoven with the best interests of the Republic that the triumphs and reverses of the one have been the triumphs and reverses of the other. Since the General of our armies with his heroic followers crushed the rebellion, the key note of its policy, that loyalty should govern what loyalty has preserved, has been worthy of its honored record in the war. Cordially agreeing with the platform adopted by its National Convention, and the resolutions thereto attached, I accept the nomination with which I have been honored, and will hereafter communicate that acceptance to you in the more formal manner that usage requires.”

Earlier in the afternoon of the same day, Mr. Colfax was waited on at his residence, by a Committee from the Soldiers and Sailors' Convention, and informed of his nomination, by that body, for the Vice-Presidency on the ticket with General Grant. This was not a new nomination, but an endorsement by that Convention of the Republican nominations. Mr. Colfax briefly thanked the Committee for the honor done him, and accepted the nomination.

After retiring to his residence that night, at the close of the reception at General Grant's, Mr. Colfax prepared the following formal letter of acceptance, which was at once forwarded to General Hawley and the Committee:

"Hon. J. R. HAWLEY, President of the National Union Republican Convention.

"DEAR SIR: The platform adopted by the patriotic Convention over which you presided and the resolutions which so happily supplement it, so entirely agree with my views as to a just national policy, that my thanks are due to the Delegates as much for this clear and auspicious declaration of principles as for the nomination with which I have been honored, and which I gratefully accept. When a great Rebellion, which imperilled the national existence, was at last overthrown, the duty, of all others, devolving on those intrusted with the responsibilities of legislation, evidently was to require that the revolted States should be readmitted to participation in the Government against which they had erred, only on such a basis as

to increase and fortify, not to weaken or endanger, the strength and power of the nation. Certainly no one ought to have claimed that they should be readmitted under such rule that their organization as States could ever again be used, as at the opening of the war, to defy the national authority or to destroy the national unity. This principle has been the pole-star of those who have inflexibly insisted on the Congressional policy your Convention so cordially indorsed. Baffled by Executive opposition, and by persistent refusals to accept any plan of reconstruction proffered by Congress, justice and public safety at last combined to teach us that only by an enlargement of suffrage in those States could the desired end be attained, and that it was even more safe to give the ballot to those who loved the Union than to those who had sought ineffectually to destroy it. The assured success of this legislation is being written on the adamant of history, and will be our triumphant vindication. More clearly, too, than ever before, does the nation now recognize that the greatest glory of a republic is that it throws the shield of its protection over the humblest and weakest of its people, and vindicates the rights of the poor and the powerless as faithfully as those of the rich and the powerful. I rejoice, too, in this connection, to find in your platform the frank and fearless avowal that naturalized citizens must be protected abroad at every hazard, as though they were native-born. Our whole people are foreigners, or descendants of foreigners ; our fathers established by arms their right to be called a nation. It remains for us to establish the right to wel-

come to our shores all who are willing, by oaths of allegiance, to become American citizens. Perpetual allegiance, as claimed abroad, is only another name for perpetual bondage, and would make all slaves to the soil where first they saw the light. Our national cemeteries prove how faithfully these oaths of fidelity to their adopted land have been sealed in the life-blood of thousands upon thousands. Should we not, then, be faithless to the dead if we did not protect their living brethren in the full enjoyment of that nationality for which, side by side with the native-born, our soldiers of foreign birth laid down their lives. It was fitting, too, that the representatives of a party which had proved so true to national duty in time of war, should speak so clearly in time of peace for the maintenance untarnished of the national honor, national credit and good faith as regards its debt, the cost of our national existence. I do not need to extend this reply by further comment on a platform which has elicited such hearty approval throughout the land. The debt of gratitude it acknowledges to the brave men who saved the Union from destruction, the frank approval of amnesty based on repentance and loyalty, the demand for the most thorough economy and honesty in the Government, the sympathy of the party of liberty with all throughout the world who longed for the liberty we here enjoy, and the recognition of the sublime principles of the Declaration of Independence, are worthy of the organization on whose banners they are to be written in the coming contest. Its past record cannot be blotted out or forgotten. If there

had been no Republican party, Slavery would to-day cast its baleful shadow over the republic. If there had been no Republican party, a free press, and free speech would be as unknown from the Potomac to the Rio Grande as ten years ago. If the Republican party could have been stricken from existence when the banner of rebellion was unfurled, and when the response of "No Coercion" was heard at the North, we would have had no nation to-day. But for the Republican party daring to risk the odium of tax and draft laws, our flag could not have been kept flying in the field until the long-hoped-for victory came. Without a Republican party the Civil Rights bill—the guarantee of equality under the law to the humble, and the defenceless, as well as to the strong—would not be to-day upon our national statute-book. With such inspiration from the past, and following the example of the founders of the Republic, who called the victorious General of the Revolution to preside over the land his triumphs had saved from its enemies, I cannot doubt that our labors will be crowned with success; and it will be a success that shall bring restored hope, confidence, prosperity and progress, South as well as North, West as well as East, and above all, the blessings under Providence of national concord and peace.

"Very truly yours,

"SCHUYLER COLFAX."

Mr. Colfax is just in the prime of life—being now in his forty-sixth year—and in the meridian of his

fame. In person, he is about five feet six inches high, and is inclined to be stout, weighing over one hundred and forty pounds. His hair is brown, and is beginning to be sprinkled with gray. His eyes are a light blue, and his features large and intellectual. His general expression is one of great amiability, mingled with a more than usual amount of energy and firmness. He has no "bad habits," as they are called, unless some over-rigid persons may so style his love for a good cigar. He is easily approachable, and polite and obliging to all. His industry is untiring. He is never idle, but is always working with his brain or his hands. He is the idol of his district, and is the most popular Speaker the House has had since the days of Henry Clay. His friends love him devotedly, and his political adversaries—for he has no personal enemies—respect him thoroughly. In short, he is a man in every way fitted for any office in the gift of the Republic, and one who would do honor to the highest, should he ever be called to fill it.

APPENDIX.

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APPENDIX.

SPEECHES OF HON. SCHUYLER COLFAX.

I.

ON THE POSITION OF PARTIES.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JANUARY
19TH, 1856, DURING THE CONTEST FOR SPEAKER.

Mr. Colfax.—As there is no proposition pending before the House, for the purpose of obtaining a legitimate right to the floor, I move to rescind the ten-minute rule, and substitute a rule limiting debate to five minutes in its stead.

Mr. Quitman.—Will the gentleman allow me just a word, by way of explanation?

Mr. Colfax.—If it does not come out of my time, with pleasure.

The Clerk.—The Clerk must consider interruptions as coming out of the gentleman's ten minutes.

Mr. Quitman.—I only desire that the statement made by the gentleman from Pennsylvania, [Mr. Grow,] that this want of organization—which no man

regrets more deeply than myself—was originated in the passage of the Kansas and Nebraska bill, shall not go out to the country uncontradicted. I merely wish that the eloquent remarks of the honorable gentleman should not go without an answer. No, Sir; the cause of the attitude in which the House now stands lies still further back—it lies still deeper; it lies in the agitation which exists in the country upon this subject.

Mr. Colfax.—I cannot yield longer. Mr. Clerk, I wish to add a supplement to the history of this celebrated plurality rule of 1849, which was discussed in this Hall yesterday. I was led by that discussion to an examination this morning of that eventful history, and I have before me some additional facts from that most interesting and instructive (and sometimes most troublesome) of all the volumes to be found in the Congressional Library—the *Congressional Globe*; and which I shall strive hurriedly to present to gentlemen on the other side, in the few minutes allowed me under the rule. The House was told yesterday that that celebrated plurality rule in 1849 was adopted in opposition to the wishes of the great body of the Democratic party of the House, and that that party was not responsible for its passage. Now, Sir, the record of the proceedings of the House during that eventful period shows that no less than *nine* distinct propositions were offered to elect by plurality, of which, singular as it may seem, eight were presented by gentlemen upon the Democratic side of the House, and only one by a member from the Whig side of the House.

The *first* is upon page 5 of the Congressional Globe of that session. It was offered by Hon. Andrew Johnson, then a Democratic Representative from Tennessee, and now the Democratic Governor of that State, and reads as follows:

“*Resolved*, That if, on the next vote of the House for Speaker, no individual shall receive a majority of all the votes cast, the individual receiving a *plurality* of the votes shall be Speaker of the House of Representatives for the present session.”

And he supported it in remarks, from which the following are extracts:

“He thought the demonstrations which had been made in their repeated ineffectual efforts proved *most conclusively* that they could not elect a Speaker by a majority, in any reasonable length of time.” * * “He had no other purpose than to enable the House to elect a Speaker and proceed with the business. He wanted a Speaker elected—either a Whig or a Democrat. They had remained blocked long enough,” &c.

The resolution was premature, Sir, for it was only the third day of the session, and it was laid on the table by a large majority. But *every one* of the eleven members who voted against thus killing it were Democrats, headed by my friend from Virginia, [Mr. Bock], now in his seat, and by the gentleman from Tennessee [Mr. Savage] over the way.

The second proposition was by Mr. Stanton, of Tennessee, another Democrat, who, on page 6, proposed to confine the choice to the four highest candidates, and, on the next ballot, to the two highest; which was also laid on the table.

The third proposition was on the 14th of December, by the only Whig who offered the plurality during the whole contest—Mr. Ashmun, of Massachusetts, (see page 31 ;) and this was also laid upon the table.

The fourth was offered by Mr. Kaufman, the distinguished Democratic Representative from Texas, on the 17th of December ; and as it is a modified plurality, arranged on a sliding scale as it were, I will read it in full from page 37 of the Globe :

“Resolved, That if no person have a majority of all the votes cast for Speaker on the next ballot, then upon the second ballot after the adoption of this resolution, if any member shall receive only one less than a majority of the whole number of votes, he shall be declared to be elected; and if no person be elected Speaker on the said second ballot, then upon the next, or third ballot, if any member shall receive only two less than a majority, he shall be declared elected ; and so on, requiring one vote less to elect for every vote taken, until a choice of Speaker is made.”

This met with no better fortune than its predecessors, for the House had not yet given up all hope of electing a Speaker by a majority ; and it was soon laid on the table.

The fifth was another proposition, similar in its character, offered the next day by the same Democratic member, and met with the same fate.

The sixth was another proposition, based on the Constitution, of which we hear so much, and which, if right *then*, ought certainly to be equally in accordance with the spirit of that revered instrument now.

It was offered, Sir, by a Democratic member from Tennessee, [Mr. Savage,] who is again on this floor, but voting now against any and all kinds of plurality rules:

"Resolved, That if the House fail to elect a Speaker during the present day, it will, upon its meeting to-morrow, apply to its proceedings, as far as practicable, the principle embodied in the 12th article of the Amendments to the Constitution of the United States, prescribing the mode of electing a President and Vice-President.

"Resolved, That the House will, upon the calling of the roll, cast its vote for Speaker; and if no person shall have a majority of all the votes, then, from the persons having the highest numbers, (not exceeding three, in the list of those voted for,) the House shall proceed to choose its Speaker; and if the three persons on the last vote should be voted for, and neither of them should have a majority of all the votes, then the House shall choose its Speaker, by another vote, from the two highest on the list."

That resolution, drawn in its spirit from the Constitution, was rejected; but it did not quench the zeal with which the Democratic members of that day persisted in moving that celebrated rule which the Democratic members of this House, at this day, so generally condemn and oppose.

The seventh plurality resolution was offered by Mr. Stanton, of Tennessee, (Democrat,) on page 63, on the 22d of December, and is the one that was finally adopted.

But, pending its consideration, the eighth plurality resolution was proffered by Mr. Meade, a Democratic member from Virginia, to confine the choice to the four highest, on the next ballot to the three highest, and on the next to the two highest. This, too, was rejected.

And the *ninth* plurality resolution was offered as an amendment by Mr. Kaufman, the Texas Democratic member, being his "sliding scale," which received a large Democratic support, but was also rejected.

Finally, the plurality resolution offered by Mr. Stanton was adopted by 113 to 106—a majority of the affirmative members being Whigs, in pursuance of the resolution of their caucus, publicly declared in its favor, but plenty of Democratic members taking care to vote for it to insure its passage; and under its operation, as was generally expected, Mr. Cobb, of Georgia, (Democrat), was elected Speaker. The Whigs voted for the rule to end the contest; though, according to the argument against it now, it might have been charged (as it was not) that, in doing so, they voted indirectly for Mr. Cobb.

I now desire to call the attention of the House to a speech made by Governor Johnson, in favor of the plurality rule, which will be found on page 33. It is stated that he proceeded to address the House for an hour and twenty minutes, and his speech is summed up by the reporter in the following language:

"He expressed the satisfaction he felt that the proposition which had been introduced by the gentleman from Massachusetts [Mr. Ashmun] seemed to find

favor with the House. It would be recollected that he had himself introduced something of a similar proposition last week. So far as he was personally concerned, he was anxious to see an organization of the House by the election of Speaker and other officers, even if it could be effected by no other means than a plurality vote. He had no particular affection for his own proposition. If it was right in itself, and, come from what quarter it might, he would vote for it.

“After alluding to the condition of parties in this House, which he designated as triangular—and having also alluded, passingly, to the conspicuous part which the gentleman from Ohio [Mr. Root] had taken in the debate since the commencement of the session, Mr. J. proceeded to notice the denunciations with which his own proposition had been received the other day, and to vindicate that proposition from the charge that it was an infringement of the Constitution.”

How fitly, Sir, do his remarks in regard to the necessity of an organization, and the triangular nature of the contest, apply to the present condition of affairs; and the remainder of his speech, in which he denounces Mr. Winthrop, who, on the ballot immediately preceding his remarks, had a plurality, and might possibly have been elected under the rule then—going so far, indeed, as to say that he would rather vote for Mr. Giddings than Mr. Winthrop, shows that he was unwilling to let the bitterest political or personal objection to a candidate restrain him from what he considered a paramount duty—the organization of the House.

I desire now to draw the special attention of the

House to a speech made by a distinguished gentleman, then a Representative from the State of Mississippi, who now represents, in part, that State in the other end of the Capitol. I allude to Hon. A. G. Brown. But before doing so, let me direct attention to the remarks, yesterday, of the gentleman from Alabama, [Mr. Houston,] when he says, speaking to the Republicans:

“You have a majority on this floor. You have power to elect,” &c.

Keeping this in view, and though it is not correct in point of fact, that we have a working anti-Nebraska majority on this floor, which can only be determined by the number of those who are willing to act together and coöperate as a political party—but admitting it for the sake of argument, hear what Mr. Brown said in 1849, when he proposed a resolution to elect Howell Cobb Speaker. It will be found on pages 24 and 25 of the Globe:

“Mr. Brown remarked, that he had been induced to offer this resolution without any consultation with his political friends, and without having given the remotest intimation to his friend from Georgia [Mr. Cobb] of his intention of so doing, as he was sure if he had intimated his intention to the gentleman, he would have been denied the privilege of making this motion. He was sincerely desirous of seeing an end put to these protracted votings for Speaker. They had been engaged in this unprofitable business for nine days, and they were now just where they commenced on the first morning of the session. Not only were they without a Speaker, but without a candidate for Speaker.

It was well known that the political party to which he belonged had a majority in this House—impracticable, it was true, but still a majority; and although they had heretofore failed to concentrate upon any candidate in sufficient force to elect him, still they had approximated nearer that point than their opponents had. There was a little portion of the Democratic party who refused to vote with the great majority of the party; but not only was there a like portion of the Whig Free-Soilers who refuse to vote with the large body of their party, but a portion of the southern Whigs who also refused to act with their party. Under these circumstances it must be apparent to every one, that unless something else were done than to continue these party votings, no choice at all of Speaker could be effected.

“The gentleman proposed in that resolution, he believed it was admitted on all sides of the House, presented as many qualifications for the office as any other member of the House. That he was eminently qualified in every respect was admitted by his political opponents, whose opposition to him was entirely confined to the difference of their political opinions. Being in a majority in the House, he conceived that they (the Democrats) were entitled to the Speaker; he knew of no good reason why they should not have the Speaker. Certainly, if their political opponents were in a majority here, he believed it would be right and fair that they should have the Speaker. But both parties had tried over and over again to elect their candidate, and had failed. If they now failed to effect an organization, upon whom would the responsibility rest? It might

be said that it would rest upon those who refused to unite with either party. But could any considerable portion of it rest upon the Democratic party? Though they had failed to concentrate with sufficient force upon their candidate to elect him, still it could not be expected that, being in the majority, they should voluntarily retire from the contest; but it seemed to him that the Whig party, some considerable portion of them at least, might meet them (the Democracy) upon the candidate whom he had presented—a candidate universally acknowledged to be eminently qualified to preside over the deliberations of this body and direct its proceedings.”

If he had been attempting to describe the present condition of affairs he could hardly have used more appropriate language (except the names of parties) if he had been gifted with prophecy. Grant that we have a majority. It is, as he said of their majority then, an “impracticable” one. Now, as then, “a little portion of the” largest “party refuses to vote with the great majority of the party,” as I most sincerely regret that they do. Now, as then, the gentleman presented by the larger party of the three in the House is most “eminently qualified” for the duties of the chair. Now, as then, “the opposition to him is entirely confined to the difference of their political opinions.” Now, as then, “it could not be expected that, being in the majority, we should voluntarily retire from the contest;” and if his argument was sound then, that “if their political opponents were in a majority here, he believed it would be right and fair that they should

have the Speaker," I submit it to the four honorable gentlemen from Mississippi, who agreed with him in political faith, but who vote against any rule by which the majority—which my friend from Alabama says we have here, but which is "impracticable," as Governor Brown lamentingly said of his party in 1849—are enabled to elect that officer, which he declared it was "right and fair" that even a disunited majority should be allowed to have.

In a subsequent part of his remarks, in a colloquy with Mr. Stanly, of North Carolina, he stated that this "majority" of which he spoke, was obtained by excluding the third party—that it was a majority of the Democrats over the Whigs. And this, Sir, still more closely approximates his remarks to the present condition of parties in this House. Excluding the third party, there is a clear and indisputable majority of the Republicans over the Democrats; and in that light, viewed from the same stand-point from which he made his observations in 1849, how appropriate and forcible are his arguments now! Why gentlemen turn their backs on those arguments now, I will endeavor to show, if my time will admit, with the passing remark, that having proved that the plurality rule, which governs in the election of members of this House in every State of the Union, was first suggested by a Democrat in 1849, repeated eight times by Democrats, adopted on the motion of a Democrat at last, carried by the aid of Democratic votes, and that a Democratic Speaker was elected under it—if the principle was a good one then, good faith requires that it be conceded

now; or, if not conceded, the parties refusing it will be held responsible for the failure to organize this body.

Sir, in justification of their opposition to the rule now, they say that if Mr. Banks is elected there will be danger to the Union. Danger to the Union! Now let me read, and I call particular attention to it, the speech of Mr. Meade, of Virginia, of almost precisely the same tenor made against Mr. Winthrop, when that gentleman was a candidate for the speakership:

“If an organization of the House is to be followed by the passage of these bills, [prohibition of Slavery in the Territories, and abolition of Slavery in the District,] if these outrages are to be committed upon my people, I trust in God, Sir, that my eyes have rested upon the last Speaker of the House of Representatives,” &c.—*Congressional Globe for 1849*, p. 26.

Thus, Sir, the Union was considered in precisely the same “danger” then as now. It was contended as earnestly as now, that after the election of a Northern Speaker these results might follow; and yet, with all these forebodings held up before them, in a speech of more than ordinary eloquence, by the gentleman from Virginia, Democrat after Democrat in 1849 proposed, advocated, and voted for a rule which might possibly have resulted then as now in the election of a Speaker from the anti-Slavery State of Massachusetts. If, therefore, even at this great risk to the Union, the Democrats here aided so largely in the passage of this rule in 1849, does it not show that this House is now

kept disorganized, and the public business interrupted, by a party unable to elect themselves, merely because they have not quite as good a prospect of success at this time as at that?

But, though the success of this Republican party is so "dangerous to the Union" in the estimation of our opponents, yet, from the speeches of yesterday, we were left to infer that, if we would only take down one candidate, and set up any other, no matter how ultra might be his record on Slavery, the House might be organized; and the plurality rule would not then be so bitterly opposed. Without stopping to inquire whether their hostility to Mr. Banks grows out of the fact that, during the memorable Nebraska struggle, he preferred principle to party, and left them in the pride of their power to throw himself into the arms of what might have proved a feeble minority, if the people had not come to its rescue and its approval, these declarations show that this House remains disorganized from the opposition of the Democratic party to a particular man; that the wheels of Government are blocked because they have a personal hostility to his occupying the chief chair of the House; and that, so far from "devotion to the Constitution and the Union," as the oft-repeated phrase here reads, compelling them to turn their backs on that rule which, proposed by a Democrat, voted for by many Democrats, and resulting in a Democratic victory, has passed into a precedent for occasions like this, they would be willing to give up the contest, and risk all the danger to the Union, if we would only choose some other man to rule over

them. It is, therefore, not principle, but opposition to a man that causes the present disorganized state of the House. Let gentlemen explain this, if they can, to their constituents.

II.

THE "LAWS" OF KANSAS.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JUNE 21,
1856.

The House being in Committee of the Whole on the state of the Union on the Army appropriation bill, Mr. Colfax said :

Mr. Chairman : I desire to give notice that I shall move, when we reach the third clause of the pending Army bill, the following amendment ; and I read it now, because the remarks I shall make to-day are designed to show its necessity :

"But Congress, hereby disapproving of the code of alleged laws officially communicated to them by the President, and which are represented to have been enacted by a body claiming to be the Territorial Legislature of Kansas ; and also disapproving of the manner in which said alleged laws have been enforced by the authorities of said Territory, expressly declare that, until these alleged laws shall have been affirmed by the Senate and House of Representatives as having been enacted by a legal Legislature, chosen in conformity with the organic law by the people of Kansas, no part of the military force of the United States shall

be employed in aid of their enforcement ; nor shall any citizen of Kansas be required, under their provisions, to act as a part of the *posse comitatus* of any officer acting as marshal or sheriff in said Territory."

My especial object to-day is to speak relative to this code of laws, now in my hand, which has emanated from a so-called Legislative Assembly of Kansas ; and for the making of which your constituents, in common with mine, have paid their proportion—the whole having been paid for out of the Treasury of the United States. In speaking of the provisions embodied in this voluminous document, and of the manner in which these "laws" have been enforced, I may feel it my duty to use plain and direct language ; and I find my exemplar, as well as my justification for it, in the unlimited freedom of debate which, from the first day of the session, has been claimed and exercised by gentlemen of the other side of the House. And, recognizing that freedom of debate as we have, to the fullest extent, subject only to the rules of the House, we intend to exercise it on this side, when we may see fit to do so, in the same ample manner. Hence, when we have been so frequently called "fanatics," and other epithets of denunciation, no one on these seats has even called gentlemen of the other side to order. When it has pleased them to denounce us as Black Republicans, or colored Republicans, we have taken no exception to the attack, for we regard freedom of speech as one of the pillars of our free institutions. When, not content with this, they have charged us with implied perjury, in being hostile to the Constitution, and unfaithful to

the Union, we have been content to leave the world to judge between us and our accusers—a scrutiny in which principles will have more weight than denunciation. In spite of all these attacks we have not been moved to any attempt to restrict the perfect and most unlimited freedom of speech on the part of our denouncers; for we acknowledge the truth of Jefferson's sentiment, that "Error ceases to be dangerous when Reason is left free to combat it."

If that constitutional safeguard of our rights and liberties, free speech in debate, is to be recognized anywhere, it should certainly be recognized, enforced, and protected in this House. Every representative of a free constituency, if worthy of that responsible position, should speak here at all times, not with "bated breath," but openly and fearlessly, the sentiments of that constituency; for, Sir, it is not alone the two hundred and thirty-four members of this House who mingle in this arena of debate; but here, within this bar, are the teeming millions of American freemen, not individually participating, as in Athens in the olden time, in the enactment of laws and the discussion and settlement of the foreign and domestic policy of the nation, but still, Sir, participating in the persons of their representatives, whom they have commissioned to speak for them, in the important questions which are presented for our consideration. Here, in this august presence, before the whole American people, thus represented, stand, and must ever stand, States and statesmen, legislators and jurists, parties and principles, to be subject to the severest scrutiny and the

most searching review. Here Alabama arraigns Massachusetts, as she has done through the mouth of one of her Representatives but a few weeks since; and here Massachusetts has equally the right to arraign any other State of the Confederacy. And while the Republic stands, the freedom of debate, guaranteed and protected by the Constitution, must and will be sustained and enforced on this floor.

Mr. Chairman, I feel compelled, on this occasion, therefore, by truth and by a conscientious conviction of what I know to be the feelings of my constituents—for whom I speak as much as I do for myself—to denounce, as I do this day, the “code” of the so-called Legislature of Kansas as a code of tyranny and oppression, a code of outrage and of wrong, which would disgrace the Legislature of any State of the Union, as it disgraces the Goths and Vandals who, after invading and conquering the Territory, thus attempted to play the despot over its people, and to make the white citizens of Kansas greater slaves than the blacks of Missouri. No man can examine the decrees of Louis Napoleon, no matter how ignorant he may have been of the procession of events in France for the past six years, without having the conviction forced upon his mind that they emanated from an usurper and a despot. The very enactments embodied in these decrees bear testimony against him. The limitations on the right of the subject; the mockery of the pretended freedom of elections which he has vouchsafed to the people; the rigid censorship of the press; the shackles upon the freedom of speech; all combine to prove that

they emanate from an autocrat, who, however men may differ as to the wisdom of his statesmanship, undoubtedly governs France with a strong arm and an iron rule. And so, Sir, no unprejudiced man can rise from a candid perusal of this code without being thoroughly convinced that it never emanated from a Legislature voluntarily chosen by the people whom it professes to govern, but that it was dictated and enacted by usurpers and tyrants, whose leading object was to crush out some sentiment predominant against that people, but distasteful and offensive to these usurping legislators. I know this is a strong assertion, but, in the hour of your time which I shall occupy, I shall *prove* this assertion from the *intrinsic* evidence of the code itself.

Before I proceed to make an analysis of these laws, which, I hold, were never legally enacted, were never fit to be made, nor fit to be obeyed by a free people, let me say a few words in regard to the manner in which they have been administered and enforced. We have heard of murder after murder in Kansas—murders of men for the singular crime of preferring freedom to Slavery; but you have not heard of one single attempt by any court in that Territory to indict any one of those murderers. The bodies of Jones, of Dow, of Barber, and others, murdered in cold blood, are mouldering away and joining the silent dust; while one of the murderers this very day holds a Territorial office in Kansas, and another of them holds an office of influence and rank under the authority of the General Government, while neither the Territorial nor the General

Government inquire into the crimes they have committed, or the justification for their brother's blood that stains their hands.

Mr. Phelps.—I desire to ask the gentleman one question.

Mr. Colfax.—Certainly.

Mr. Phelps.—The gentleman from Indiana, as I understood him, asserted that he has not heard of any attempt made to indict those persons in Kansas, members of the pro-Slavery party, who are charged with the murders he alludes to. I ask the gentleman whether the Abolition, or free-State party in Kansas, do not repudiate the laws of the Territory of Kansas, and refuse to obey the precepts issued by the court? And hence, when a summons is issued to summon a witness who is cognizant of the commission of an offence, those very witnesses, who are in opposition to those laws, refuse to go before the jury and testify as to those offences of which they are cognizant.

Mr. Colfax.—I will answer the gentleman from Missouri, although, as he comes from a State bordering upon Kansas, and is supposed to be acquainted with the state of affairs there, he should know the facts as well as myself. The free-State people of Kansas recognize *all the United States courts in that Territory*, and they render full allegiance to the United States authorities. But when the chief justice, sitting upon the bench in Kansas, as the supreme judicial officer of the Territory, has made his charge at each session to the grand jury of his court, he has not, so far as I have ever heard, alluded in any charge, or called the

attention of the grand jury in any manner, to the murdering of men in cold blood in that Territory, and to the fact that their murderers are all at large, honored with the confidence, instead of being branded with the condemnation, of its authorities.

Mr. Phelps.—I ask the gentleman whether there are any courts in the Territory of Kansas which have jurisdiction of the crime of murder, except those courts held by judges appointed by the President of the United States, by and with the advice of the Senate? And if the Abolitionists in Kansas will not obey the process of the courts, and give evidence before the grand juries, so that offenders of the laws may be punished, I ask, whose fault is it?

Mr. Colfax.—Certainly, there are other courts. This Legislature in Kansas have organized probate courts, with probate judges. But I am speaking of the United States courts, whose authority is recognized by the free-State people of Kansas, and whose writs and officers are both obeyed by them.

Mr. Phelps.—I ask if there are any courts which have jurisdiction of criminal offences—of murders, arsons, and robberies—in short, of felonies of all kinds, except the courts held by judges appointed by the President? Such, I assert, is the fact.

Mr. Colfax.—And I do not deny it, but ask in reply why, in these United States courts, which all parties recognize as of legal authority, no attempt is made to investigate these crimes? But I would rather assent to every thing the gentleman desires, than lose any of my time.

I wish first, Mr. Chairman, to speak of the manner in which the chief justice, sitting as the supreme judicial officer of the Territory of Kansas, has performed the functions of his office. I have no imputation to make upon him as a man of moral character, or of judicial ability. I know nothing in regard to either. I do not say he has wilfully and corruptly violated his official oath; for I can say *that* authoritatively in only one way, and that is by voting for his impeachment. I shall not comment, Sir, on the extraordinary manner in which he has enforced the Kansas code, with Draconian severity, against all who advocated freedom for Kansas, but with a serene leniency towards all who did not; pushing its severest provisions to the extremest point in the one case, and forgetting, apparently, that it contains any penalties whatever in the other. But I desire to draw the attention of the House to the fact, proven by the code itself, that this "Legislature" have used every exertion within *their* power to make that judge the *interested* champion and advocate of the validity of their enactments. Pecuniary interest, sir, is a powerful argument with mankind generally. We all see, and we all recognize this fact as a truism which no logician denies. The Administration that gives a man an extensive or a profitable contract may reasonably expect to find in him a supporter. The Legislature that confers on a man a valuable charter would have a right to feel surprised if he did not decide in favor of the legality and the constitutionality of their enactments, as well as use all of his influence in their favor, if their authority to act as

grantors was disputed, and if his charter fell to the ground as worthless, in case their right to grant it was overthrown. It is true, some men are so pure as not to be affected by such things; but in the generality of cases the human mind cannot fail to be thus influenced, even if it is not absolutely controlled.

Now, if you will turn to the concluding portion of this "code of laws," you will find one hundred and forty pages of it, over one sixth of the whole, devoted to corporations, shingled in profusion over the whole Territory, granting charters for railroads, insurance companies, toll bridges, ferries, universities, mining companies, plank roads, and, in fact, all kinds of charters that are of value to their recipients, and more, indeed, than will be needed there for many years. No less than four or five hundred persons (not counting one hundred Territorial road commissioners) have been thus incorporated, and have been made the recipients of the bounty of that legislation of Kansas, making a great portion, if not all of them, interested advocates to sustain the legality of those laws now in dispute before the American people. I need scarcely add that the name of nearly every citizen of Kansas who has been conspicuous in the recent bloody scenes in that Territory on the side of Slavery, can be found among the favored grantees; and all of them know that, if that Legislature is proved to be illegal and fraudulent, their grants become valueless.

In quoting from this code of the laws of the Legislature of Kansas, I desire to state that I quote from Executive document No. 23, submitted to this House

by the President of the United States, and printed by the public printer of Congress. It is entitled "Laws of the Territory of Kansas," and forms a volume of eight hundred and twenty-three pages. I notice that many members have a copy of this code before them now; and as many people, as they discuss these enactments around the hearthstone at home, cannot believe that they are authentic, I will take pains to quote the section and page of every law I allude to, and will say to gentlemen upon the other side, that if they find me quoting incorrectly in a single instance, or in the minutest particular, essential or non-essential, I call upon them to correct me on the spot. I wish to lay the exact truth, no more, no less, from this official record itself, authenticated as it is by the President of the United States himself, before Congress and the American people.

You will find in this code of laws that Mr. Isaacs, the district attorney of Kansas, figures in four acts of incorporation, and cannot fail, therefore, to believe in the legality of their enactment. Mr. L. N. Reese figures in three more; Mr. L. J. Eastin in three; Stringfellow in three, of course; and R. R. Reese in five—all of them earnest defenders of the code and its provisions, as might be expected. But I desire more particularly to show you the incorporations in which the Territory of Kansas *has given an interest to the chief justice of the Territory, Judge Lecompte*, sitting though he does upon the judicial bench, to decide upon the validity of these territorial laws. You will find him, on page 788, incorporated as one of the regents

of the Kansas University ; but I pass by that as of very little moment. At page 760 you will find a charter for the Central Railroad Company, with a capital of \$1,000,000, in which S. A. Lecompte is one of the corporators. The chief justice's name is S. D. Lecompte ; and as I cannot hear of any other person of the name of Lecompte in the Territory, I have no doubt that this is a misprint in the middle initial, and that *his* name was intended. But I will give him the benefit of the doubt, and pass over this charter. On page 769 you find another charter, in which Chief Justice S. D. Lecompte figures as a corporator. It is the charter of the Leavenworth, Pawnee, and Western Railroad, which, in the opinion of many, is destined to be a link in the great Pacific railroad, or at least an important section in one of its branches. It is chartered with a capital of \$5,000,000, and five years' time is given for the grantees to commence the work. This charter, valuable as it must become as the Territory advances in population and wealth, is presented as a free gift to Judge Lecompte and his associates by the mock Legislature of Kansas. Of course, in all these charters the directors are to open books for the subscription of stock, keeping them open "as long as they may deem proper," no barrier existing against their subscribing the whole stock themselves, the moment that the books are opened, if they choose so to do. But I desire to draw attention *particularly* to another grant, to be found on page 774, in which this same impartial judge, S. D. Lecompte, with nine other persons, are incorporated as the Leavenworth and Le-

compton railroad ; and I ask you to notice, and explain, if you can, the difference which exists between that and other incorporations.

In the first place, the other railroad charters are granted to certain persons in *continuous* succession. In this charter, with a capital of \$3,000,000, for a railroad from Leavenworth to his favorite city of Leecompton (which was made the capital of the Territory by this same Legislature), with an indefinite and unrestrained power to build branch railroads from the capital in any and every direction, Judge Lecompte and his associates, including Woodson, the Secretary of the Territory, are granted *perpetual* succession. In section 21, page 777, there is this special exception, which, though brief in its language, is momentous in its importance, for the benefit of Judge Lecompte & Co. :

“That sections seven, thirteen, and twenty of article first, and so much of section eleven, article second, as relates to stock owned, of an act concerning corporations, shall not apply to this act.”

In the examination which I gave to these laws, it struck me that this exception of this charter, for the benefit of Leecompton and Lecompte, from the provisions of the general law relative to corporations, was singular, to say the least ; and I turned back to the general law to see the character of the provisions thus suspended, so far as this act was concerned ; and the proof that it furnishes of the *intention*, on the part of the Legislature, to make Judge Lecompte *interested* in their behalf, is so strong, that I will refer you to these

sections as circumstantial evidence of no ordinary character.

Section seven of the general corporation law (see page 165) provides as follows :

“The charter of *every* corporation that shall hereafter be granted by law, *shall be subject to alteration, suspension, or repeal*, by any succeeding Legislature : *Provided*, Such alteration, suspension, or repeal, shall in nowise conflict with any right vested in such corporation by its charter.”

But in Lecompte's charter the power even to amend it, is, by the suspension of the above section, withheld from “any succeeding Legislature,” even if said Legislature, or the people of Kansas, unanimously desired its amendment.

Section thirteen (see page 165) makes the stockholders of all corporations *individually liable* for its debts. But this, too, is suspended by the mock Legislature of Kansas, for the benefit of Judge Lecompte.

Section twenty (see page 166) makes *directors* liable for debts incurred by them exceeding the capital stock. But this, also, is suspended in Judge Lecompte's charter, and *he* is one of the directors of the road.

But there is still another extraordinary provision in this charter, which I find in no other grant of this Legislature. Section fifteen (page 776) provides :

“If said company shall require for the construction, or repair of said road, any stone, gravel, or other materials from the land of any person adjoining to or NEAR said road, and CANNOT contract for the same with the

owner thereof, said company may proceed to take possession of and use the same, and have the property assessed," &c., &c.

Not only are they empowered to take stone, gravel, and other materials, including timber, of such great value in Kansas, from land through which the road runs, but also from "adjoining" tracts; and still further, from tracts "NEAR said road," which may be construed to mean one mile, or five miles, or ten miles off, as the case may be. And if the owner refuses to part with his timber or gravel, the company are authorized to take it first, and pay for it afterwards; and the man who resists, and seeks to protect his own property, would be amenable to the penalties of this bloody code for resisting "the laws of Kansas." What was the object of these extraordinary grants and privileges to Judge Leconte and his associates, I submit for the American people to decide.

Before I leave this judge—the central figure as he is of the group of men in Kansas who are using the power of the judiciary, as it was used during "the bloody assizes" in England, and the Reign of Terror in France, to enforce the decrees of tyranny—I must call attention to his charge to the last grand jury which he addressed in Kansas; and in which, instead of alluding to the destruction of property of free-State men by unauthorized mobs; to the tarring and feathering, and other personal outrages, to which many of them had been subjected; to the repeated invasions of the Territory by armed marauders, of which he had been a witness; and to the murders of unoffending free-State

men, of which he could not have failed to hear ; his virtuous desire to uphold "the laws" found vent in another direction—the direction of persecution instead of protection. I quote from this extraordinary charge, as published in the National Intelligencer of this city, of June 5, 1856, the following extraordinary paragraphs :

"This Territory was organized by an act of Congress, and, so far, its authority is from the United States. *It has a Legislature, elected in pursuance of that organic act. This Legislature, being an instrument of Congress by which it governs the Territory, has passed laws. These laws, therefore, are of UNITED STATES AUTHORITY AND MAKING ; and all that resist these laws resist the power and authority of the United States, and are therefore GUILTY OF HIGH TREASON.*

"Now, gentlemen, if you find that any persons have resisted these laws, then you MUST, under your oaths, find bills against such persons for high treason. If you find that no such resistance has been made, but that combinations have been formed for the purpose of resisting them, and individuals of influence and notoriety have been aiding and abetting in such combinations, then MUST you still find bills for constructive treason," &c., &c..

Mr. Chairman, I am no lawyer ; but I think I understand the force of the English language ; and when I read in the Constitution of the United States that "Treason against the United States shall consist ONLY in levying war against them, or in adhering to their enemies, giving them aid and comfort," I do not hesi-

tate to brand that charge of Judge Lecompte, under which Governor Robinson was indicted for treason, and is now under confinement and refused bail, as grossly, palpably unjust, and wholly unauthorized by the Constitution. To concede his argument, that to resist, or "to form the purpose of resisting," the Territorial laws is treason against the United States, because Congress authorized a Legislature to pass laws, leads you irresistibly to the additional position, that to resist the orders of the county boards created by that Legislature is also treason; for these boards are but one further remove from the fountain-head of power. And thus, Sir, "the extreme medicine of the Constitution would become its daily bread;" and the man who even objected to the opening of a road through his premises, would be subject to the pains and penalties of treason. No, Sir, that charge is only another link in the chain of tyranny which the pro-Slavery rulers of that Territory are encoiling around its people. And when the defenders of these proceedings ask us to trust to the impartiality of courts, I answer them by pointing to this charge, and also to the judicial decrees of the Territory, by authority of which numbers of faithful citizens of the United States have been indicted, imprisoned, and harassed—by authority of which the town of Lawrence was sacked and bombarded—by authority of which printing-presses were destroyed, without legal notice to their owners, and costly buildings cannonaded and consumed, without giving the slightest opportunity to their proprietors to be heard in opposition to these decrees; all part and parcel of the plot to drive out the friends

of freedom from the Territory, so that Slavery might take unresisted possession of its villages and plains.

It might have been supposed that, at least, one of those rights dear to all American freemen—the trial by an impartial jury—would have been left for the people of Kansas unimpaired. But when the invaders and conquerors of Kansas, in their border-ruffian Legislature, struck down all the rights of freemen, they did not even leave them this, with which they might possibly have had some chance of justice, even against the hostility of Presidents, the tyranny of Governors, and the hatred of judges. No jurors, Sir, are drawn by lot in the Territory. But the first section of the act concerning jurors (see page 377) enacts that “All courts before whom jurors are required, may order the *marshal, sheriff*, or other officer, to *summon* a sufficient number of jurors.”

The whole matter is left to the discretion of these officers; and Marshal Donaldson or “Sheriff Jones” pack juries with just such men as they prefer, and who they know will be their willing instruments. For a free-State man to hope for justice from such a jury, charged by such a judge as Lecompte, would be to ask that the miracle by which the three Israelites passed through the fiery furnace of their persecutors unscathed, should be daily reenacted in the jurisprudence of Kansas. Nay, more, Sir, to make assurance doubly sure, the same law in regard to jurors excludes all but pro-Slavery men from the jury-box in all cases relating directly or indirectly to Slavery; for here is its thirteenth section (page 378):

“No person who is *conscientiously* opposed to the holding slaves, or *who does not admit the right to hold slaves in this Territory*, shall be a juror in any cause in which the right to hold any person in Slavery is involved, nor in any cause in which any injury done to, or *committed by*, any slave is in issue, nor in any criminal proceeding for the violation of any law enacted for *the protection of slave property*, and for the punishment of CRIME *committed against the right to such property.*”

I leave this dark picture of the jurisprudence of Kansas, and turn now to the laws themselves—“laws” that were, as late as the 9th of February, 1856, over two months after the opening of this session, thus spoken of by the Detroit Free Press, the organ of General Cass, and one of the leading Democratic papers of the Northwest :

“But the President should pause long *before treating as ‘treasonable insurrection’ the action of those inhabitants of Kansas* who deny the binding authority of the Missouri-Kansas Legislature ; *for, in our humble opinion, a people that would not be inclined to rebel against the acts of a legislative body* FORCED UPON THEM BY FRAUD AND VIOLENCE, WOULD BE UNWORTHY THE NAME OF AMERICAN. IF THERE WAS EVER JUSTIFIABLE CAUSE FOR POPULAR REVOLUTION AGAINST A USURPING AND OBNOXIOUS GOVERNMENT, THAT CAUSE HAS EXISTED IN KANSAS.”

The President of the United States has declared, in his special message to Congress, in his proclamation, and in his orders to Governor Shannon and Colonel Sumner, through his Secretary of State and Secretary

of War, that this code of Territorial laws is to be enforced by the full exercise of his power. He has, of course, read them, and knows of their provisions. He *must* know that they trample even on the organic law, which his official signature breathed into life. He *must* know that they trample on the Constitution of the United States, which he and we have sworn to support. Reading them as he has, he could have chosen rather to support the law of Congress and the national Constitution; but he preferred to declare publicly his intention of assisting, with all his power and authority, the enforcement of this code, which repudiates both. The National Democratic Convention, also, at Cincinnati, denounced "treason and armed resistance to the laws" in a marked and special manner; and if there was any doubt as to the object of this denunciation, the speech of the author of the Nebraska bill himself, Mr. Douglas, at the ratification meeting in this city, a few nights since, shows plainly its "intent and meaning." Wishing to do no injustice to any one, I quote from his speech, as reported in the national Democratic organ here, the Washington Union, of June 10, which I hold in my hand:

"The platform was equally explicit in reference to the disturbances in relation to the Territory of Kansas. It declared that treason was to be punished, and resistance to the laws was to be put down." * * * *

"He rejoiced that the Convention, *by a unanimous vote*, had approved of the creed that *law must and shall prevail*. [Applause.] He rejoiced that we had a standard-bearer [Mr. Buchanan] with so much wisdom

and nerve as *to enforce a firm and undivided execution of THOSE LAWS.*"

And Mr. Buchanan, after the nomination, replied to the Keystone Club, who called on him on their return from Cincinnati, as follows :

"Gentlemen, two weeks since I should have made you a longer speech, but *now I have been placed upon a platform of which I most heartily approve, and that can speak for me.* Being the representative of the great Democratic party, and *not simply James Buchanan, I must square my conduct according to the platform of that party, and insert no new plank, nor take one from it.* That platform is sufficiently broad and national for the whole Democratic party."

I shall now proceed to show you no less than *seven palpable violations of the organic law*, [the Nebraska Bill,] incorporated into this code by the bogus Legislature which enacted it. The President, Judge Douglas, and Mr. Buchanan, who are all pledged "to enforce these Territorial laws," cannot have failed to notice that the conquerors of Kansas enacted their code, regardless of whether its provisions coincided with the organic law or not; but, nevertheless, where they differ, the law of the United States is to be forgotten, and the pro-Slavery behests of the Kansas invaders are to be carried out at the point of the bayonet, if necessary.

First. Section twenty-two of the Nebraska Bill enacts that the House of Representatives in Kansas shall consist of twenty-six members, "whose term of service *shall continue one year.*" That does not mean

eighteen, nineteen, or twenty months; but "one year," and one year only. The Legislature of Kansas was elected on the 30th day of March, 1855—a day which has become famous from the discussions in this House and elsewhere in regard to it; and, Sir, if you will turn to page 280 of this Kansas code, you will see that there is not to be an election for members of the lower House of the Legislature until the first Monday in October, in the year 1856—over eighteen months after the first Legislature was elected. If you turn, then, to page 403, you will find that no regular session of that Legislature is to be held until January, 1857; so that the term of that House of Representatives, in defiance of the organic law, is prolonged to twenty-two months instead of twelve months. Sir, their term has expired now. There is no Legislature in the Territory of Kansas this day; and, therefore, in the language of the Declaration of Independence, "the legislative powers, incapable of annihilation, have returned to the people at large for their exercise." For exercising them, however, in no conflict with the Territorial government, but carefully avoiding it, and abstaining from putting any legislation in force, but only organizing as a State to apply for admission here as "a redress for their grievances"—for doing this, the court of Judge Le-compte arraigns them for treason, and scatters its indictments all over the Territory.

Second. The same section of the Kansas organic law says that the members of the Council shall serve for "two years;" but their term has been prolonged in the same manner to *nearly three years*, so that the

Councillors elected in March, 1855, remain in office until the 1st of January, 1858, longer than a member of this House holds his seat by the authority of his constituents. And it is to this Legislature, the senatorial branch of which, even if legally elected, should expire in nine months from this time, but which, in defiance of the organic law, have taken upon themselves to extend their term to a period nineteen months distant, that Judge Douglas desires, in his bill, to submit the question of when a census shall be taken preparatory to admission as a State, and to clothe them with the superintendence of the movements in the Territory, preliminary to said admission. When we have investigated to-day the "constitutionality," the "justice," the "impartiality," the "humanity" of their acts thus far, no one will need to ask why I am not willing, for one, to give them the slightest degree of power or authority hereafter, but, on the contrary, desire to take from them that which they have illegally usurped and tyrannically exercised.

But if, to these two points, it is replied, that the term of the House of Representatives was *intended* by this mock Legislature to expire on the 30th of March, 1856, ten months before the new House takes its seat, and the Council, in March, 1857, ten months before the new Council meets, it follows that, though the Nebraska bill extended "popular sovereignty" by giving the President absolute control of two of the three branches of the Government, the executive and judicial, and left to the people only the legislative, subject to a two-thirds veto of the President's Governor, this

Legislature so legislates that there is no House of Representatives there from March, 1856, to January, 1857, and no Council from March, 1857, to January, 1858—in a word, so that there can be no Legislature in the Territory from March, 1856, to January, 1858, except from January to March, 1857, BARELY TWO MONTHS OUT OF TWENTY-TWO!

Third. The next violation of the organic law is the enacting of a fugitive slave law in that Territory; although, by section twenty-eight of the Nebraska bill, the fugitive slave law of the United States was declared “to extend and be in full force within the limits of the Territory of Kansas.” This is one of the violations that I do not complain much about, for in some respects the Territorial law is milder than the national one and requires the slave claimant to pay the costs in advance; but I allude to it to show the utter recklessness of the Kansas legislators and their disregard of the law of Congress. By this law, (sections 28 and 29, page 329,) persons are prohibited from taking fugitives from the Territory, except in accordance with *its* provisions, and are fined \$500 if they do so.

Fourth. The expenses of the Territory are paid, as is well known, out of the national Treasury; and section thirty of the Nebraska bill enacts that the chief clerk of the Legislature shall receive \$4 per day, and the other clerks \$3 per day. But on page 444 of the Kansas code, you will find an extra douceur to the clerks of fifteen and twenty cents per hundred words for indexing and copying journals; on page 145, another law, declaring that, if the Secretary (then acting

as Governor after Governor Reeder's removal) should refuse his assent to the above, the chief and assistant clerks should receive \$100 each out of the Treasury, besides their per diem; and on the next page, page 146, the pay of the enrolling and engrossing clerks is increased to \$4 per day, on the like contingency, although the organic law expressly fixed it at \$3 per day. The legislators acted as if they had not only conquered the people of Kansas, but the national Treasury also.

Fifth. Section twenty-two of the organic law gives the Governor exclusively the right of determining who were elected members of the Legislature. He did so, throwing out about one-third of the members elected at the first election, the reign of terror and of violence preventing more contests of other equally fraudulent returns. But the Legislature, when assembled, without examination of the merits of each case, and without authority to commit such an act at all, threw out all the members elected at the second election, and admitted in their stead those whose right to seats the Governor had expressly denied.

Sixth. Section twenty-four of the organic law enacts :

“That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States ; but *no law shall be passed interfering with the primary disposal of the soil.*”

But if you will turn to page 600, you will see how coolly this bogus Legislature ignores both the Nebraska

bill and the preëmption law ; for it declares, as if *they* owned the soil, that in actions of trespass, ejectment, &c., settlers shall be *protected* in their preëmptions, not of one hundred and sixty acres, but of three hundred and twenty acres ; “ that such claim may be located in two different parcels, to suit the convenience of the holder,” “ without being compelled to prove an actual inclosure ;” and the still more flagrant repudiation of the Congressional preëmption law, that “ occupancy by tenant shall be considered equally valid as personal residence,” under which the whole Territory may be preëmpted by Missourians. And this law, with the others, is to be enforced by the President !

Seventh. Section thirty of the Nebraska bill enacts that the official oath to be taken by the Governor and secretary, the judges, “ *and all other civil officers in said Territory,*” shall be “ to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices.” No more—no less. But the legislators of Kansas, with the same disregard of the Congressional law that marked their other acts, enacted another kind of official oath, on page 438 of their code, as follows :

“ SEC. 1. *All officers* elected or appointed under any existing or subsequently-enacted laws of this Territory, shall take and subscribe the following oath of office : “ I, ———, do solemnly swear upon the holy Evangelists of Almighty God, that I will *support* the Constitution of the United States, and that I will *support and sustain* the provisions of an act entitled ‘ An act to organize the Territories of Nebraska and Kansas,’

and the provisions of the law of the United States commonly known as the '*fugitive slave law*,' and faithfully and impartially and to the best of my ability demean myself in the discharge of my duties in the office of ——— ; so help me God.' ”

You cannot fail to notice that, in this new oath, framed by the bogus Legislature, the fugitive slave law is elevated to a “higher law” than the Constitution ; for the officer is merely to “support” the latter, but is required to swear that he will “support AND SUSTAIN” the other.

Besides these seven palpable, flagrant, and unconcealed violations of the organic law organizing the Territory, I point you now to *five equally direct and open violations of the Constitution of the United States* ; for that instrument has been trampled upon as recklessly as the laws of Congress.

First. The very first amendment to the Constitution of the United States prohibits the passage of any law “abridging the freedom of speech ;” and it is a significant fact, as can be learned from Hickey’s Constitution, page 33, that this, with a number of other amendments to the Constitution which follow it, was submitted by Congress to the various States in 1789, immediately after the adoption of the Constitution itself, with the following preamble :

“The conventions of a number of States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its power, that further declaratory and restrictive clauses should be added.”

Therefore the amendments that followed were proposed.

Thus it is conclusively proven that the amendment, prohibiting any abridgment of the freedom of speech, was adopted to prevent "*an abuse of power*," which our forefathers feared might be attempted by some degenerate descendants at some later period of our history. But, though they thus sought to preserve and protect free speech, by constitutional provision, their prophetic fears have been realized by the enactors of the Kansas code. Its one hundred and fifty-first chapter, on pages 604 and 605, is entitled "An act to punish offences against slave property;" and there is no decree of Austrian despot or Russian Czar which is not merciful, in comparison with its provisions. Here, Sir, in the very teeth of the Constitution, is section twelve of that chapter:

"If any free person, *by speaking or by writing, assert or maintain that persons have not the right to hold slaves in this Territory, or shall introduce into this Territory, print, publish, write, circulate, or cause to be introduced into this Territory, written, printed, published, or circulated in this Territory, any book, paper, magazine, pamphlet, or circular, containing any denial of the right of persons to hold slaves in this Territory,* such persons shall be deemed guilty of *felony*, and punished by *imprisonment at hard labor for a term of not less than two years.*"

How many more than two years he shall be punished is left to the tender mercy of Judge Lecompte and the jury which "Sheriff Jones" will select for

their trial. The President of the United States has sworn to support the Constitution; but this, with the other "laws of Kansas," are to be enforced by him, despite that Constitution, with the army of the United States; and Mr. Buchanan is pledged by Judge Douglas to "the firm and undivided execution of those laws." But, Sir, in a few short months the people, the free people of the United States, will inaugurate an Administration that will do justice to the oppressed settlers of Kansas, that will restore to them their betrayed rights, will vindicate the Constitution, and will place in the offices of trust of that ill-fated Territory men who will overthrow the "usurpation," give their official influence to freedom and the right, rather than to Slavery and the wrong, and protect rather than oppress the citizens whom they are called upon to govern and to judge.

Second. The same constitutional amendment prohibits the passage of any law "abridging the freedom of the press;" and here, Sir, in flagrant violation of it, is the 11th section of the same law in the Kansas code, page 605:

"If any person *print, write, introduce into, publish, or circulate, or cause to be brought into, printed, written, published, or circulated, or shall knowingly aid or assist in bringing into, printing, publishing, or circulating, within this Territory, any book, paper, pamphlet, magazine, handbill, or circular, containing any statements, arguments, opinions, sentiment, doctrine, advice, or innuendo, calculated to produce a disorderly, dangerous, or rebellious disaffection among the slaves*

in this Territory, or to induce such slaves to escape from the service of their masters, or to resist their authority, he shall *be guilty of felony, and be punished by imprisonment and hard labor for a term not less than five years.*"

And, under this atrociously unconstitutional provision, a man who "brought into" the Territory of Kansas a copy of "Jefferson's Notes on Virginia," which contains an eloquent and free-spoken condemnation of Slavery, could be convicted by one of "Sheriff Jones's" juries as having introduced a "book," containing a "sentiment" "calculated" to make the slaves "disorderly," and sentenced to five years' hard labor. Probably under this provision, as well as the charge of high treason, George W. Brown, editor of the Herald of Freedom, at Lawrence, has, after his printing-press has been destroyed by the order of Judge Lecompte's court, been himself indicted, and is now imprisoned, awaiting trial—kept, too, under such strict surveillance, far worse than murderers are treated in a civilized country, that even his mother and wife were not allowed to visit him until he had humbly petitioned the Governor for permission. And this upon the soil of a Territory which our forefathers, in 1820, in this very Hall, dedicated, by solemn compact, to "freedom forever."

Third. The sixth amendment to the Constitution of the United States declares that, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an IMPARTIAL jury." It is significant that, in the Constitution itself, it had been

provided (article 3, section 2), that "the trial of all crimes, except in cases of impeachment, shall be by jury." But, to prevent "abuse of power," this, with other amendments, was adopted, declaring that the trial shall be by an *impartial* jury. I have already shown you how *impartially* they are to be selected by sheriffs who go about and imitate, in their conduct towards free-State men, the example of Saul of Tarsus in his persecution of the early Christians (Acts, chapter 8, verse 3, "entering into every house, and seizing men and women, committed them to prison"); and I have quoted you a section, showing how *impartially* they are to be constituted, with men on one side only; but in this very chapter, the concluding provision, section thirteen (page 606), repeats this gross violation of the national Constitution, as follows :

"No person who is conscientiously opposed to holding slaves, or who does not admit the right to hold slaves in this Territory, shall sit as a juror on the trial of any prosecution for any violation of any of the sections of this act."

Here, Sir, in these instances which I have quoted, stand the Constitution of the United States on the one side, and the Kansas code on the other, in direct and open conflict—the one declaring that the freedom of speech shall not be abridged, that the freedom of the press shall be protected, that juries, above all things else, shall be entirely impartial; the other trampling all these safeguards under foot. And because a majority of the settlers there, driven from polls by armed mobs, legislated over by a mob in whose election they had no

agency, choose to stand by and maintain their rights under the Constitution, you have seen how anarchy and violence, how outrage and persecution have been running riot in that Territory, far exceeding in their tyranny and oppression the wrongs for which our Revolutionary forefathers rose against the masters who oppressed them; and yet, though the protection they have had from the General Government has been only the same kind of protection which the wolf gives to the lamb, they have, while repudiating the Territorial sheriffs, bowed in submission to writs in the hands of the United States marshal, or when the soldiers of the United States, yielding to orders which they do not deem it dishonorable for them to despise, assist in their execution. Such forbearance—such manifestations of their allegiance to the national authority—become the more wonderful when it is apparent as the noonday sun that every attempt has been made to harass them into resistance to the authority of the United States, so as to furnish a pretext, doubtless, for their indiscriminate imprisonment, expulsion, or massacre.

Fourth. The Constitution also prohibits cruel and unusual punishments. I shall show, before I close, that this so-called Kansas Legislature has prescribed most cruel and unusual punishments, unwarranted by the character of the offences punished, and totally disproportioned to their criminality.

Fifth. The Constitution declares (article 1, section 9) that “the privilege of the writ of *habeas corpus* shall not be suspended, unless, when in cases of

rebellion or invasion, the public safety may require it." But the Kansas code, in its chapter of *habeas corpus*, (article 3, section 8, page 345,) enacts as follows:

"No negro or mulatto, *held as a slave* within this Territory, or lawfully arrested as a fugitive from service from another State or Territory, shall be discharged, *nor shall his right of freedom* be had under the provisions of this act."

This provision, suspending the writ of *habeas corpus* in the above cases, is not only a violation of the Constitution, but also of the organic law; for *that* provided, in section 28, for appeals to the Supreme Court of the United States on writs of *habeas corpus*, in cases involving the right of freedom, the issuing of which this Territorial law expressly prohibits. The language of the Nebraska-Kansas act is as follows:

"Except also that a writ of error or appeal *shall* also be allowed to the Supreme Court of the United States, from the decision of the said supreme court, created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, *upon any writ of habeas corpus, involving the question of personal freedom.*"

But the Kansas Legislature coolly set aside the law of the United States, by which alone their Territorial organization was brought into existence, and effectually prohibited any appeal to the Supreme Court "upon any writ of *habeas corpus*, involving the question of personal freedom," by declaring that the writ shall *not* be used in the Territory for any such purpose!

Having now referred to a few of the many acts embraced in this code, which conflict with the Constitution or the organic law, I proceed to the examination of other provisions, some of which stamp it as a code of barbarity, as well as of tyranny—of inhumanity as well as of oppression. And first to “the imprisonment at hard labor,” which is made the punishment for “offences against the slave property,” in the sections which I have already quoted. The general understanding of the people at large has been that, as there was no State’s prison yet erected in Kansas, this imprisonment would be in some Missouri prisons near the frontier. But, Sir, such is not the case. The authors of these disgraceful and outrageous enactments, with a refinement of cruelty, provided that the “hard labor” should be in another way; and that way will be found in chapter 22, entitled “an act providing a system of confinement and hard labor,” section 2 of which (page 147) reads as follows:

“Every person who may be sentenced by any court of competent jurisdiction, under any law in force within this Territory, to punishment by confinement and hard labor, shall be deemed a convict, and shall immediately, under the charge of the keeper of such jail or public prison, or under the charge of such person as the keeper of such jail or public prison may select, be put to hard labor, as in the first section of this act specified, [to wit, “on the streets, roads, public buildings, or other public works of the Territory”—Sec. 1, page 146:] and such keeper or other person, having charge of such convict, shall cause *such convict*, while engaged at such

labor, *to be securely confined by A CHAIN SIX FEET IN LENGTH, of not less than four sixteenths nor more than three eighths of an inch links, with a ROUND BALL OF IRON, of not less than four nor more than six inches in diameter, attached, which chain shall be securely fastened to THE ANKLE of such convict with a strong lock and key ; and such keeper or other person having charge of such convict may, if necessary, confine such convict while so engaged at hard labor, by other chains, or other means, in his discretion, so as to keep such convict secure and prevent his escape ; and when there shall be two or more convicts under the charge of such keeper, or other person, such convicts shall be FASTENED TOGETHER by strong chains, with strong locks and keys, during the time such convicts shall be engaged in hard labor without the walls of any jail or prison."*

And this penalty, revolting, humiliating, debasing as it is, subjecting a free American citizen to the public sneers and contumely of his oppressors, far worse than within the prison walls, where the degradation of the punishment is relieved by its privacy, is to be borne from two to five long years by the men of Indiana and Ohio, of New England and New York, of Pennsylvania, and the far West, who dare in Kansas to declare by speech, or in print, or to introduce therein a handbill or paper, which declares that "persons have not the right to hold slaves in this Territory." The chain and ball are to be attached to the ankle of each, and they are to drag out their long penalty for exercising their God-given and constitutionally-protected freedom of speech, manacled together in couples, and working,

in the public gaze, under task-masters to whom Algerine slaveholders would be preferable.

Sir, as this is one of the laws which the Democratic party, by its platform, has resolved to enforce, and which the President of the United States intends to execute, if needs be, with the whole armed force of the United States, I have procured a specimen of the size of the iron ball, which is to be used in that Territory under this enactment, and only regret that I cannot exhibit also the iron chain, six feet in length, which is to be dragged with it, through the hot summer months, and the cold wintry snows, by the free-State "convicts" in Kansas. [Here Mr. C. exhibited a large and heavy iron ball, six inches in diameter, and eighteen inches in circumference.]

Mr. Chairman, if the great men who have passed away to the spirit-land could stir themselves in their graves, and, coming back to life and action, should utter on the prairies of Kansas the sentiments declared by them in the past, how would they be amazed at the penalties that would await them on every side, for the utterance of their honest convictions on Slavery. Said Washington to John F. Mercer, in 1786 :

"I never mean, unless some particular circumstance should compel me to it, to possess another slave by purchase, it being among *my first wishes to see some plan adopted by which Slavery in this country may be abolished by law.*"

Said Jefferson, in his Notes on Virginia :

"*The whole commerce between master and slave is a continual exercise of the most unremitting despotism on*

the one part, and degrading submission on the other.

* * * * With what *execration* should the statesman be loaded, who, permitting one half of the citizens thus to trample on the rights of the other, transforms those into *despots*, and these into enemies, *destroys the morals of the one part*, and the *amor patriæ* of the other! Can the liberties of a nation be thought secure, when we have removed their only firm basis—a conviction in the minds of the people that these liberties are the gift of God? That they are not violated but by his wrath? INDEED, I TREMBLE FOR MY COUNTRY WHEN I REFLECT THAT GOD IS JUST, AND HIS JUSTICE CANNOT SLEEP FOREVER."

Surely such language, in the eyes of a pro-Slavery jury, would be considered as "calculated" to render slaves "disorderly." And surely, in the language of the President and his party, "the law must be enforced." Come, then, "Sheriff Jones," with your chain and ball for each of these founders of the Republic, and manacled together let them, as they pursue their daily work, chant praises to "the great principle for which our Revolutionary fathers fought," and of which the defenders of the Nebraska bill told us *that* law was the great embodiment.

Said Mr. Webster in his Marshfield speech in 1848:

"I feel that there is nothing unjust, nothing of which any honest man can complain, if he is intelligent, and I feel that there is nothing for which the civilized world, if they take notice of so humble an individual as myself, will reproach me, when I say, as I

said the other day, *that I have made up my mind, for one, that under no circumstance will I consent to the extension of the area of Slavery in the United States, or to the further increase of slave representation in the House of Representatives.*"

And again in 1850:

"Sir, wherever there is a particular good to be done—*wherever there is a foot of land to be stayed back from becoming slave territory—I am ready to assert the principle of the exclusion of Slavery.*"

Said the noble old statesman of Kentucky, Henry Clay, in 1850:

"I have said that I never could vote for it myself; and I repeat, *that I never can, and never will vote, AND NO EARTHLY POWER ever will make me vote, to spread Slavery over territory where it does not exist.*"

Surely this, too, conflicts with the law of Kansas. Hurry them, Judge Lecompte, to the chain-gang; and as they commence their years of disgraceful and degrading punishment, forget not to read them from the Nebraska bill that "its true intent and meaning" is "to leave the people thereof perfectly free (not only free, but PERFECTLY free) to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

There is another portion of this act to which I wish to call special attention. It is the succeeding section to the above (sec. 3, page 147):

"Whenever any convict shall be employed at labor for any incorporate town or city, or any county, such town, city, or county, shall pay into the Territorial

treasury the sum of fifty cents for each convict, for every day such convict shall be engaged at such labor; *and whenever such convict shall be employed upon PRIVATE HIRING at labor, it shall be at such price each, per day, as may be agreed upon with such keeper or other person having charge of such; and the proceeds of said labor shall be collected by such keeper and put into the Territorial treasury."*

Not content with the degradation of the chaingang, a system of WHITE SLAVERY is to be introduced by "private hiring;" and the "convicts," sentenced for the exercise of the freedom of speech and of the press, are to be hired out during their servitude, if their "keeper" sees fit, to the heartless men who this day are hunting them from their homes, and burning their dwellings over their heads. But "the laws are to be executed;" and though they are the offspring of the most gigantic fraud ever perpetrated upon a free people, if there is no change in the policy of the Government, and if the party which controls its action is not hurled from power, we shall, doubtless, next year see Governor Robinson (if not previously executed for treason) with the iron chain and ball to his ankle, hired from the convict-keeper by Governor Shannon to do his menial service; or to be punished, if he disobeys his master's orders, like a Southern slave. And Judge Lecompte would have the privilege, too, and would, doubtless, exercise it, of having Judge Wakefield as his hired serf, dragging, for two or five years to come, his chain and ball after him as he enters his master's presence, or obeys his master's command. And

Marshal Donaldson, with "Sheriff Jones," and Stringfellow, would not certainly be behind their superiors in the retinue of free-State slaves whom they could satisfy their revenge upon by hiring as their menials from the keeper of the Kansas convicts.

There are many things in this code of which I desire to speak, but which I will not have time to allude to, as my hour is rapidly passing away, and I must hasten on. It is worthy of notice in passing, that, in no place in this code, is Slavery expressly established in the Territory. Instead of leaving the people of the Territory "perfectly free to form their own institutions," Slavery is taken to be an institution already existing, as if it were already established by the Congress of the United States. In this initial legislation of the Territory, it is treated as a heretofore recognized and permanent "institution." Thus, by page 60, slaves are to be appraised like other property of a decedent; by page 298, slaves are to be taken in execution for debt; by page 432, mortgages of slaves are to be recorded; by page 556, slaves are to be taxed by the assessors; by page 630, slave owners are to be accountable for trespasses by their slaves. But nowhere in the code is to be found a single line, or section, declaring that "Slavery is hereby established." I have no idea that, even if the Legislature of Kansas was to be conceded a legal body, Slavery this day has a legal existence in the Territory. But to expect such a decision from its courts, would be to look for mercy from a Nero.

As I was examining this Sahara of legislation to

find, if possible, one oasis, my eye fell upon chapter 74, page 323, headed with the attractive title of "FREEDOM;" and I rejoiced at the certainty of finding something worthy of approval in its provisions. But, alas! it is a fit associate for the rest. By it it appears that "a person held in Slavery" *cannot sue for his freedom* till he first petitions *the court* for leave to establish *his right* to freedom. If that leave is denied, whether he is legally or illegally held in Slavery, no matter how clearly he could prove his freedom, yet, if the court withholds its permission, he has no alternative but to continue in Slavery till death frees him from his unjust servitude. But if the court consent, he can only go on by giving security for the costs, when it is a conceded fact that, as a slave, he has not a dollar or a copper of his own in the world, and cannot even mortgage his own labor for indemnification of his security. On page 325, section 12, of this same law, there is a singular provision:

"If the plaintiff be a *negro or mulatto*, he is required to prove his right to freedom."

There can be only one fair, legitimate inference from this, and that is, that it is considered quite possible that persons *not* negroes or mulattoes—in other words, *white persons*—may happen to be held in Slavery in Kansas; but the requirement of the consent of the court and security for costs applies to them also; and, of course, section 14 adds: "in actions prosecuted under this act, the plaintiff *shall not recover any damages*" from the person who has been thus *proven* to have held him illegally, and perhaps for years, in Slavery.

The code also, to be complete, provides for *slave-flogging by law*. By the one hundred and twenty-second chapter, on page 454, patrols are to be appointed by the county boards, who are to visit negro quarters, and to watch unlawful assemblages of slaves. If slaves are found at the latter, or strolling from one plantation to another without a pass, they are to suffer ten or twenty lashes. There is one exception, and as I desire to do impartial justice to this code, I wish to say, to be placed to the credit of the men who enacted it, that that whipping clause is not to be construed to prevent slaves going directly to or returning from divine worship on the Sabbath. They believe, it seems, in the "stated preaching of the Gospel," and therefore that is excepted. But, Sir, when visiting, on an adjoining plantation, a woman whom her master allows him to call his wife, till he chooses to sell her and her children to some distant slaveholder, the lash is the penalty, unless he is provided with a pass.

The Constitution speaks of the value and the necessity of "*a well-regulated militia*." And the bogus Legislature have taken pains to keep their militia "well regulated" indeed. They have not failed to keep the military force of the Territory in their own hands by some remarkable provisions, found on page 419, chapter one hundred and ten, and very truthfully entitled "An act to organize, discipline, and GOVERN the militia of this Territory." Not one solitary jot or tittle of power is given to the people of the Territory to elect even a fourth corporal of the militia. The Governor, Sir, by this law, appoints the generals and

the colonels. The colonels appoint the captains. The captains appoint the sergeants, the musicians, and the corporals. And all the people have to do is to say Amen! and train when ordered. Precisely such an experiment as this was tried in Indiana some years ago, and all went off happily and smoothly until it came to the people's turn to train; which all over the State they very unanimously declined to do. There was no Lecompte in Indiana to indict the whole State for treason, and the whole matter passed off as an excellent joke, that offended no one, officers or people. But a Lecompte sits on the Kansas bench, and to refuse to obey this law is treason in his eyes.

But there is more in this chapter than meets the eye at first. It provides, in the first place, (see page 420,) that the Territory shall be divided into military divisions, and that each brigade shall consist of not less than two nor more than five regiments. It is not supposable, of course, that, in the early settlement of the Territory, there will be more than two regiments in each brigade, especially as there are two divisions of militia in the Territory, and not less than two brigades in each division. And now, Sir, if you will turn to section 12, page 421, you will find that, by its cunningly-devised provisions, *one half of the people of Kansas are to be under training orders of their superior officers, bound to go wherever those officers command them, UPON THE VERY DAY OF THE ELECTIONS in the Territory!* That clause reads—

“SEC. 12. That on the last Saturday in the month of August, in every year, the colonel or commanding

officer of each regiment and separate battalion shall, by written or printed advertisements, put up or distributed fifteen days before said day, call out all company and staff officers under his command to rendezvous at some convenient and suitable place, where they shall be formed and drilled in company order by the commandant; and at said rendezvous the commandant shall give to the officers public notice of the place where the regiment or battalion shall meet, which place shall be within his district, and the time as follows, viz.: *the first regiment, or one lowest in number in each brigade, shall meet at ten o'clock in the forenoon on the first Monday in October,*" &c.

It adds that the next regiment in each brigade is to meet the ensuing day.

In order that there may be no misunderstanding or denial that this is the regular election day, I quote from chapter 66, of the Code, page 280:

"SEC. 1. On the first Monday in October, in the year one thousand eight hundred and fifty-five, and on the first Monday in October every two years thereafter, an election for delegate to the House of Representatives of the United States shall be held, at the respective places of holding elections, in the Territory of Kansas.

"SEC. 2. On the first Monday in October, in the year one thousand eight hundred and fifty-six, and on the first Monday in October in every year thereafter, an election for representatives of the Legislative Assembly, and for all other elective offices not otherwise provided for by law, shall be held, at the re-

spective places of holding elections, in this Territory.

“SEC. 3. On the first Monday in October, in the year one thousand eight hundred and fifty-seven, and on the first Monday in October every two years thereafter, an election shall be held, at the respective places of holding elections, for members of the council.”

On the very day of the election, therefore—which in every other State of the Union is something like a Sabbath, so far as ordinary business is concerned, and men are permitted to choose their own officers and legislators as they see fit, untrammelled by any power upon earth, and when men, in many States, are on the day of election exempt from arrest, except for felony, to aid to the furthest extent in leaving the people perfectly free in the exercise of the freeman's most priceless right, the elective franchise—these citizens of Kansas are to be summoned forth by their superior officers, wherever they may choose to march them, subject to the penalties of an instant court-martial if they do not obey. For section thirteen says, page 423:

“If a non-commissioned officer, musician, or private, shall be guilty of *disobedience of orders*, or disrespect to an officer, *during the time he shall be on duty*, he shall be tried by a court-martial, and fined not less than five dollars, nor more than twenty dollars.”

There is no provision in this chapter by which these officers, appointed by the Governor, are to supply the privates with tickets of an orthodox character, to be voted under their “orders;” but the selection of election-day for training-day is a coinci-

dence that is obviously not accidental. The authority given by the French generals to the army to vote as they please, but if they vote, they *must* vote for Napoleon, is to be reenacted in Kansas; and even if the freemen of Kansas, under training orders as they are, should vote as they please, despite the reign of terror existing there, and the angry denunciations of their officers, they can be kept by those officers—as it was doubtless intended they should be—under such orders as will prevent them from protecting their ballot-boxes against the invasion which is, doubtless, this fall—as so often before—to crowd them with fraudulent votes.

Section thirteen of this same law brings all the Sharpe's rifles on the ground, where the "superior officers" can take possession of them under color of law, without fear of their contents :

- "That it shall be the duty of every non-commissioned officer and private who owns a rifle, musket, or firelock, to appear with it in good order at every parade."

The whole country has heard, Sir, of the section in the election law which allows "*inhabitants*" to vote at the general election, without requiring them to have *resided* in the Territory a single day; and of the test oaths to *sustain* the fugitive slave law and the Nebraska bill, which are intended to shut out all men opposed to both from the ballot-box. And I will quote it from page 282, because I desire to contrast its provisions with another :

"SEC. 11. Every free white male citizen of the

United States, and every free male Indian who is made a citizen by treaty or otherwise, and over the age of twenty-one years, who shall be an *inhabitant* of this Territory, and of the county or district in which he offers to vote, and shall have paid a Territorial tax, shall be a qualified elector for all elective officers; and all Indians who are inhabitants of this Territory, and who may have adopted the customs of the white man, and who are liable to pay taxes, shall be deemed citizens: *Provided*, That no soldier, seaman, or marine, in the regular Army or Navy of the United States, shall be entitled to vote, by reason of being on service therein: *And provided further*, That no person who shall have been convicted of any violation of any provision of an act of Congress entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12, 1793; or of an act to amend and supplementary to said act, approved 18th September, 1850; whether such conviction were by criminal proceeding or by civil action for the recovery of any penalty prescribed by either of said acts, in any courts of the United States, or of any State or Territory, of any offence deemed infamous, shall be entitled to vote at any election, or to hold any office in this Territory: *And provided further*, That if any person offering to vote shall be challenged and required to take an oath or affirmation, to be administered by one of the judges of the election, that he will *sustain* the provisions of the above-recited acts of Congress, and of the act entitled 'An act to organize the Territories of Nebraska and Kansas,' approved

May 30, 1854, *and shall refuse to take such oath or affirmation, the vote of such person shall be rejected.*"

Merely being an "inhabitant," if the person is in favor of the Nebraska bill, and of the fugitive slave law, qualifies him as a voter in all the elections of the Territory *affecting national or Territorial politics*. The widest possible door is opened for the invaders to come over and carry each successive election as "inhabitants" for the time being of the Territory. But, turn to page 750, and notice the following provision (section 8) defining the qualifications of voters at the petty corporation elections of Leocompton :

"All free white male citizens who have arrived to the full age of twenty-one years, and who shall be entitled to vote for Territorial officers, *and who shall have resided within the city limits at least six months next preceding any election*, and, moreover, who shall have paid a city tax or any city license according to ordinance, shall be eligible to vote at any ward or city election for officers of the city."

Being an inhabitant a day clothes a person with the right to vote for Delegate in Congress, and Representatives in the Legislature ; but to vote at an insignificant election, in comparison, six months' residence is required ! Am I wrong in judging that this inverting the usual rule shows that Missourians are wanted at the one election, but not at the other ? If any one deems this opinion unjust, let him study the following sections of the General Election Law, page 283 :

"SEC. 19. Whenever *any* person shall offer to vote, he shall BE PRESUMED *to be entitled to vote.*

"SEC. 20. Whenever any person offers to vote, his vote may be challenged by one of the judges, or by any voter, and the judges of the election may examine him touching his right to vote; *and if so examined, NO EVIDENCE TO CONTRADICT SHALL BE RECEIVED.*"

Certainly these provisions explain themselves, without comment.

I will now invite your attention to a contrast in the penal code of this Territory, singular in its character, to say the very least. Section five of the act punishing offences against slave property, page 604, enacts as follows :

"If any person shall *aid or assist* in enticing, decoying, or *persuading*, or carrying away, or *sending out* of this Territory, any slave belonging to another, with intent to procure or effect the freedom of such slave, or with intent to deprive the owner thereof of the services of such slave, he shall be adjudged guilty of grand larceny, and on conviction thereof SHALL SUFFER DEATH, or be imprisoned at hard labor for *not less than ten years.*"

A person who, by a pro-Slavery packed jury, is convicted of aiding in persuading out of the Territory a slave belonging to another, is to suffer at least *twice as severe* a penalty as he who is convicted of committing the vilest outrage that the mind of man can conceive of on the person of your wife, sister, or daughter! Nay, the contrast is still stronger. The jury, in the first instance, are authorized even to inflict the punishment of *death*—in the latter, see page 208, the penalty is "not less than five years." Such is the contrast in

Kansas between the protection of a wife's or daughter's honor and happiness, and that which is thrown as a protecting ægis over the property of the slaveholder!

Again, on page 208, you will find that the ruffian who commits malicious mayhem, that is, without provocation, knocks you down in the street, cuts off your nose and ears, and plucks out your eyes, is punished "not less than five nor more than ten years;" the same degree of punishment that is meted out in section seven of the above act, page 605, on a person who should aid, or assist, or even "harbor" an escaped slave!

On page 209, you will find that the man who sits at your bedside, when you are prostrated by disease, and, taking advantage of your confidence and helplessness, administers *poison* to you, but whereby death does not happen to ensue, is to be punished "not less than five nor more than ten years," though it is murder in the heart, if not the deed. And this is precisely the same penalty as that prescribed by the eleventh section (quoted in my remarks above, on the five violations of the Constitution) against one who but brings into the Territory any book, paper, or handbill, containing any "sentiment" "calculated," in the eyes of a pro-Slavery jury, to make slaves "disorderly." The man who takes into the Territory Jefferson's Notes on Virginia, can be, under this law, hurried away to the chain-gang, and manacled, arm to arm, with the murderous poisoner.

On page 210, the *kidnapping and confinement* of a free white person, for any purpose, even, if a man, to sell him into slavery, or if a woman, for a still baser purpose, is to be punished "not exceeding ten years."

Decoying and enticing away a child under twelve years of age, from its parents, "not less than six months, and not exceeding five years." But *decoying and enticing* away (mark the similarity of the language) a slave from his master, is punished by *death*, or confinement, no less than ten years. Here is the section, page 604 :

"SEC. 4. If any person shall *entice, decoy*, or carry away out of this Territory, any slave belonging to another, with intent to deprive the owner thereof of the services of such slave, or with intent to effect or procure the freedom of such slave, he shall be adjudged guilty of grand larceny, and, on conviction thereof, *shall suffer DEATH, or be imprisoned at hard labor for not less than ten years.*"

I had hoped to find time to cite and comment upon other sections in this code, but I will quote but one more, showing that, while *a white man* is compelled to serve out the penalty of his crime, at hard labor, these slaveholding legislators have, in their great regard for the value of the slave's labor to his master, enacted that *a slave, for the same offence*, shall be whipped, and then returned to him. Here is the section, which I commend to the consideration of those who, while defending these laws, nickname the Republicans "nigger-worshippers." It is found on page 252 :

"SEC. 27. If any slave shall commit petit larceny, or shall steal any neat cattle, sheep, or hog, or be guilty of any misdemeanor, *or other offence punishable under the provisions of this act only by fine or imprisonment in a county jail, or by both such fine and imprisonment*, he shall, *instead of such punishment*, be punished, if a

male, by stripes on his bare back not exceeding thirty-nine, or if a female, by imprisonment in a county jail not exceeding twenty-one days, or by stripes not exceeding twenty-one, at the discretion of the justice."

Such, Sir, is an impartial analysis of the code of Kansas, every allusion to which has been proven by extracts from the official copy now in my hand, and in quoting which I have referred, in every instance, to the page, the number of the section, and its exact words; and I think that the strong language at the outset of my remarks, in which I denounced this disgraceful and tyrannical code, has been fully justified by the proofs I have laid before you from its pages. Let it not be forgotten, Mr. Chairman, that it is because the people of Kansas—an overwhelming majority of the actual settlers there—refuse to obey these enactments passed by a body of men elected by armed mobs of invaders—that they have been delivered over to persecutions without parallel, and to all the horrors of civil war.

Had I time, I would desire to refer to the history of events in that Territory; to the reckless and ruthless violation of plighted faith in the repeal of the Missouri compromise, which opened the door for legislation like this; to the entire absence of any protection by the President to the settlers against personal outrage; to the repeated invasions by which the whole machinery of legislation was usurped, but the fruits of which the President upholds by cannon and bayonet, with proclamations and penalties; to the causes which led to the civil war that has existed in that Territory; to that most aggravating of all insults by which the very Jones

who headed an invading party of Missourians at one of the polls, and with his revolver at the breast of an election judge, gave him five minutes to resign or die, was commissioned as a sheriff, to ride booted and spurred over the people whose rights he had thus assisted in striking down;—and many other things that make the blood of the great mass of freemen at the North course, as it never before coursed, through their veins. But I must allude, before concluding, to the mockery of relief held out to the people by the President and his coadjutors.

In his special message to Congress, on the 27th of January last, the President thus spoke:

“Our system affords no justification of revolutionary acts; for the constitutional means of relieving the people of unjust administrations and laws, by a change of public agents and by repeal, ARE AMPLE.”

And in his speech, as reported in the Union of June 10, made to the Buchanan ratification meeting, who marched to the White House, he coolly told them:

“There will be, on your part, no appeal to unworthy passions, no inflammatory calls for a second revolution, like those which are occasionally reported as *coming from men who have received nothing at the hands of their Government but protection and political blessings*, no declaration of resistance to the laws of the land.”

But I will not stop to allude to the “protection and political blessings” which the people of Kansas have received from the “hands of their Government.” It was bitter irony indeed.

Judge Douglas, too, at the same meeting, speaking of the Kansas law, declared as follows :

“Or, if they desire to have any of the laws repealed, let them try *to carry their point at the polls, and let the majority decide the question.*”

Never, Sir, was there a more signal instance of “holding the word of promise to the ear, and breaking it to the hope.” Where are the “*ample*” means of obtaining relief from the unendurable tyranny that grinds down the free-State men of Kansas into the dust? How *can* they “carry their point at the polls?” Let facts answer :

1. The Council, which passed these laws, has extended its term of service till 1858 ; so that, if the entire representative branch was unanimous for their repeal, the higher branch has the power to prevent the slightest change in them for *two long years!*

2. The free-State men in Kansas are absolutely shut out from the polls by test-oaths, which no one with the soul of a freeman, who traces all the outrages there directly to the enactment of the Nebraska bill, can conscientiously swear to.

3. Even if they do go there, and swear to sustain the Nebraska bill and the fugitive slave law, the election law is purposely framed, as I have shown, to invite invasions of Missourians, to control the elections in favor of Slavery.

4. They are driven from the jury-box as well as disfranchised, and prohibited from acting as attorneys in the courts, unless they take the test-oath prescribed by their conquerors.

5. Free speech is not tolerated. They are left "perfectly free to form and regulate their domestic institutions in their own way," except, if they speak a word *against* Slavery, they are convicted of felony and hurried to the chain-gang.

6. The presses in the Territory, at Leavenworth and Lawrence, in favor of freedom, have been destroyed, and the two last by authority of the court of Judge Lecompte, thus "crushing out" the freedom of the press.

7. Indictments are found by packed juries against every prominent free-State citizen; and those who are not forced to flee from the Territory are arrested and imprisoned; while those who have stolen from free-State men, tarred and feathered them, burned their houses, or murdered them, go at large unpunished.

In such a state of affairs as this, to talk of going to the polls and having the laws repealed is worse than a mockery. It is an insult. It is like binding a man hand and foot, throwing him into the river, and telling him to swim on shore and he will be saved. It is like loading a man with irons, and then telling him to run for his life. The only relief possible, if Kansas is not promptly admitted as a State, which I hope may be effected, is in a change of the administration and of the party that so recklessly misrules the land; and *that* will furnish an effectual relief.

As I look, Sir, to the smiling valleys and fertile plains of Kansas, and witness there the sorrowful scenes of civil war, in which, when forbearance at last ceased to be a virtue, the free-State men of the Terri-

tory felt it necessary, deserted as they were by their Government, to defend their lives, their families, their property, and their hearthstones, the language of one of the noblest statesmen of the age, uttered six years ago at the other end of this Capitol, rises before my mind. I allude to the great statesman of Kentucky, Henry Clay. And while the party which, while he lived, lit the torch of slander at every avenue of his private life, and libelled him before the American people by every epithet that renders man infamous, as a gambler, debauchee, traitor, and enemy of his country, are now engaged in shedding fictitious tears over his grave, and appealing to his old supporters to aid by their votes in shielding them from the indignation of an uprisen people, I ask them to read this language of his, which comes to us as from his tomb to-day. With the change of but a single geographical word in the place of "Mexico," how prophetically does it apply to the very scenes and issues of this year! And who can doubt with what party he would stand in the coming campaign, if he was restored to us from the damps of the grave, when they read the following, which fell from his lips in 1850, and with which, thanking the House for its attention, I conclude my remarks:

"But if, unhappily, we should be involved in war, in civil war, between the two parts of this Confederacy, *in which the effort upon the one side should be to restrain the introduction of Slavery into the new Territories, and upon the other side to force its introduction there, what a spectacle should we present to the astonishment of mankind*, in an effort, not to propagate rights, but—I

must say it, though I trust it will be understood to be said with no design to excite feeling—a *war to propagate wrongs in the Territories thus acquired from Mexico ! It would be a war in which we should have no sympathies, no good wishes—in which all mankind would be against us ;* for, from the commencement of the Révolution down to the present time, we have constantly *reproached* our British ancestors for the *introduction of Slavery* into this country."

III.

FREE SUGAR.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, FEBRUARY
5TH, 1857.

The House having under consideration the bill (H. R. No. 556) to reduce the duty on Imports, and for other purposes—

Mr. Colfax said :

Mr. Chairman : Two different methods for raising the sum necessary for the support of the Government are open to its national legislators—the one by direct taxation, and the other by a tariff on importations. No one here, amid all the revenue propositions which have been made or suggested, proposes the first. The fact, so plainly apparent, that, besides the swarm of Federal office-holders it would require and create, the amount required to be *annually* raised would approximate a quarter of a million of dollars for each Representative in Congress, thus requiring eight millions yearly from New York, nearly four millions yearly from Virginia, nearly three millions yearly from the State of Indiana, and in the same proportion from their sister States, renders it apparently out of the question. And following, therefore, in the footsteps

of our fathers, who laid the foundations of our republican institutions, all parties seem to concede that the expenses of the Government shall be paid by that system of indirect taxation known as a tariff.

More than ever before, however, do the members upon this floor differ as to the details of this tariff. I shall not attempt to contrast or to condemn the views of others; but I take it for granted that all agree that the duties which it levies shall be either for purposes of revenue or of protection, and that such as are not needed for either should be abandoned.

I inquire, therefore, in the first place, as my remarks will be confined to the single item of sugar, whether the continuance of the present duty upon it is required *for revenue*. With a Treasury impoverished and embarrassed, or a tariff productive of meagre revenue, as in 1816 and 1842, there might be two sides to this question. With a Treasury full to repletion, as now, and a tariff pouring far more money into our coffers than we need or desire, it appears really to need no argument. The fact that *one eighth* of the total receipts from customs last year were on importations of sugar and molasses alone—that *eight millions* of dollars were thus collected from the consumers, and are now locked up in a Treasury that does not need such aid, and which would be in a far better and healthier state without it—that the home production of sugar had not the slightest effect in controlling or modifying prices, as is evident by the fact that the New York price has been exactly the rate for which it sold in Havana, with the thirty per cent. duty and

the shipping charges added—and that, counting the importer's and retailer's usual profit on the increased cost thus occasioned by the tariff, and the enhanced price at which the same production consequently sold, fully sixteen millions of dollars were paid by the people of the Union in consequence of this single item of the tariff;—these points, it appears to my judgment, answer the question whether this duty should, or should not, be continued for *revenue* purposes.

If not needed, therefore, for revenue purposes, has the import duty on foreign sugars proved beneficial as a *protective* measure? Let the experience of the past few years answer. They teach us, with their unerring as well as expensive lesson, that, as *protection has increased* by the ascending price of this commodity, *production has decreased*; that as the duty has risen the home crop has fallen off, until at present it has virtually run out, or at least nearly become extinct. Nay, further: by the virtual concessions of its representatives and advocates, it cannot, even with the aid of the present high prices, and consequent high protection, be revived, except by the Government seeking for and furnishing to the planters new cuttings of an undeteriorated crop, grown in more congenial climes, which are to be tested as a last and forlorn hope. The fitting out of a Government vessel for this purpose is a confession of the position I have taken, almost as striking as the brief but telling admission of the planters of Baton Rouge, who, in their widely-published resolutions opposing free sugar, instead of claiming that the tariff has stimulated production, concede, on the con-

trary, by the following truthful declaration, that it cannot, in all probability, continue to be successfully or profitably cultivated there, even with protection :

“ That the culture of sugar-cane in Louisiana has already become very precarious, by reason of the severe frosts and the general depreciation of seed cane.”

Other reliable statements also tell us that the plantations are being abandoned, in spite of the large protection now enjoyed, or else are in process of conversion to cotton-fields ; while the 1,481 sugar planters in Louisiana, who, in 1852, raised nine-tenths of all our home production of cane-sugar, had decreased to 1,299 in 1855—a loss of about one-seventh—and are now even smaller in numbers ; and the last Patent Office report, in the following clear, undeniable paragraph of a single sentence, gives us the reason why the crop has become so uncertain, insufficient, and deteriorated :

“ From the absence, with few exceptions, of every thing like an attempt at a rotation of crops, and from an injudicious perseverance, year after year, in the culture of cane, on the same fields, much of the lands in Louisiana has either become wholly unfit for its production, or only capable of yielding diminished crops at a continually increasing expenditure of labor and money ; and a perseverance in the same system, for some years longer, will end in the total abandonment of cane cultivation ; for, as the cost of the production of sugar must progressively increase, *it will be impossible* for the planters to compete successfully with those of the tropics, where the cane is a perennial, the soil

more enduring in its fertility, and labor is equally cheap."

And to this might be added the conclusive fact stated in the great mercantile petition from New York city, presented here a few days since by one of their faithful and efficient Representatives, [Mr. Wakeman,] that experience has proven that "*more labor* is necessary to produce a given quantity of sugar in this country than *in any other part of the world* from which the commodity is brought." And if the reason for this is asked, it might be replied that the well-known fact that the cane does not mature seed in our country, which it does in more congenial climes, is strong evidence that it is an exotic—that it can only be cultivated here advantageously in favorable seasons—and that it is better, in a pecuniary point of view, to encourage increased production where it is a natural crop, by opening a free market for it here, as we have already done with tea and coffee, than by pursuing a hot-house policy of seeking, by oppressive taxation, to force cultivation on uncongenial soil and in an uncongenial climate.

It cannot be contended that the experiment of protection has not been thoroughly tested. The culture of the cane was introduced into Louisiana over a century since, in the year 1751; and the tariff upon foreign sugar has existed for the past sixty years. And yet, when the production was in its palmiest state, the most eminent commercial judges estimated that the actual cost of its culture was double as much per pound in Louisiana as it was in Cuba or Brazil; while our own

most recent statistics show that the average product in that State is not over one thousand pounds per acre, while in the more congenial climes last named it rises to fully four and five times that amount. In fact, De Bow's Census Compendium of 1850, page 178, gave the average yield even then at but one thousand pounds per acre in Louisiana, and seven hundred and fifty pounds in Florida, and it is confessedly much smaller now; while in Mauritius, the yield is as high as six thousand pounds per acre.

Our commercial reports show also, as I have before stated, that, instead of the high prices stimulating production, as should be the case, if protection had any efficacy in its development, the exact reverse has been the case. From a home crop of five hundred thousand hogsheads per year it *ran down* last year to one hundred thousand, and perhaps less, while the importations from abroad have *increased* in a like ratio. Thus although the total consumption has remained for several years at the same aggregate, the increasing prices restricting the ability of the entire population to purchase what becomes an expensive luxury, the importations from abroad have increased in a very large ratio. The figures are as follows: Total *consumption* of sugar in the United States in 1853, 372,989 tons; in 1854, 385,928 tons; in 1855, 377,752 tons; in 1856, 378,760 tons. *Imports* of foreign sugars in 1854, 165,925 tons; in 1855, 205,064 tons; in 1856, 275,662 tons; estimated for 1857, 330,000 tons; an average increase of imports of twenty-five per cent. for each successive year.

Eminent statistical writers have estimated, and their figures are borne out by the census of 1850, that the consumption of sugar by the people of the United States—men, women, and children—averages over thirty pounds yearly per head. The three hundred and seventy-eight thousand seven hundred and sixty tons consumed in the United States last year amounted to eight hundred and forty-eight millions of pounds. The census of 1860, but three years distant, will show a population of thirty-one million five hundred thousand, which will require nine hundred and forty-five million pounds of sugar. With a home crop now of about one hundred millions, and even including the maple, which, being made at a season that other farm work cannot be done, is not affected by the protective argument, it is evident that fully seven-eighths of our supply is to be drawn from abroad, or that we must look to other saccharine products for a substitute. If we do not desire, therefore, to permanently change this item of universal use into a costly luxury, obtainable only by the rich, ought we not to abolish this Government tax upon its importation, which serves only to enhance its price without directly or indirectly benefiting a single one of our citizens out of every ten thousand in the land?

Still more apparent is the failure of protection when it is seen that the total production of our sugar-growers is *inadequate even for the single market to be found on the banks of the Mississippi*. As before stated, the total home product for 1856 is but 100,000 hogsheads; while the merchants of the Mississippi valley alone

purchased at New Orleans 142,963 hogsheads in 1855, and 131,027 hogsheads in 1856, besides the consumption of that city and its neighborhood, which reaches about 16,000 tons annually. This leaves the whole Atlantic sea-board and the Pacific coast to rely upon foreign markets for their entire supply; and the question for this Congress to decide is, whether they will continue to enhance its cost to the millions of consumers who are to purchase it, by refusing to abrogate a tax which is as needless for our revenue as it is oppressive to those who bear it. Even this, however, does not put the case as strongly as the facts warrant; for some of the burdens of this tax are felt even by the State for whose almost sole benefit it is levied. In Louisiana alone, which in 1850 produced just nineteen-twentieths of all the cane-sugar raised in the country, its city of New Orleans, in 1856, imported of *foreign sugar* for consumption 11,579 tons, or over 25,000,000 pounds, a fact which is certainly full of significance in its bearings on this question. Another fact also, remarkable in its character, is, that the *duties paid* on our imports of foreign sugar during the last year *amount to a considerably greater sum than it would have cost to purchase at Havana all the sugar raised in our whole country during that twelvemonth*. In a word, that it would have been *cheaper* for the United States to have abolished the duty, and given every sugar producer in the Republic a bounty of the total value of his crop.

It may be replied to these arguments, that if the duty is removed, foreign countries would increase

the price to the same amount. But this was not our experience when tea and coffee were placed on the free list, some years ago. Though now enhanced in price for reasons to which it is not needful to advert, no one pretends that the repeal of our tariff upon them had any such effect or tendency. Great Britain is not compelled now to pay more for her flour imported from America, the Baltic, or the Black Sea, because, in compliance with the demands of her people, her Parliament abolished the duties on this necessary article of food. And neither will *our* citizens suffer if, in the article of sugar, conceded to be nutritious in its qualities, and, therefore, akin to food, their Senators and Representatives repeal an impost which places almost the only luxury of the poor man's table beyond his reach. On the contrary, no sooner was this repeal mooted, than we heard rumors from Cuba that it would be followed up on their part, if successful, by the abrogation of the almost prohibitory duties now levied as a countervailing tax, upon importations of flour from our ports to theirs, thus opening a new and valuable market for the great staple of the West. And the high prices existing for all articles of food is an additional argument why Government should not assist in increasing them by any taxes which are either onerous or needless.

To those who advocate a retention of the duty for the benefit of the sorghum or Chinese sugar-cane, which is to be so extensively tested all over the country the present season, I need only reply that if it succeeds to but half the extent that is claimed for it, it will

prove that nature has given it so many excellencies as to defy competition, and protection would be as useless in its behalf as if seriously proposed for corn, cabbage, or cord-wood. If this new plant will mature all over the country where Indian corn will ripen—if it will produce thirty to fifty bushels of seed to the acre almost as good as oats—an extra crop of fodder, besides that raised for sugar—and then, after the syrup is pressed from it, furnish a mash of eminent value for cattle, it would be a farce to talk of encouraging its culture by a tariff. Certainly, the earnestness and zeal with which the American people are about testing its culture in every county in the Union has not been in the slightest degree checked by the discussion in State Legislatures, as well as in the Press, of the repeal of the sugar duties, and would not be affected by its success. And if the sorghum does *not* succeed, should the whole people be required to pay a duty of thirty dollars on every hundred dollars' worth of imported sugar, or a shilling for every pound of eight-cent sugar they use, while the experiment is being tested, and perhaps indefinitely? The gentleman from South Carolina at my side [Mr. Boyce] suggests to me that the Chinese sugar-cane will prove a humbug; and if it does, my argument is of course strengthened thereby.

While I express my thanks, therefore, to the majority of the Committee of Ways and Means, who allowed me, as the mover of the bill declaring sugar free, which had been referred to them, to present my arguments for their consideration, and while I acknowl-

edge that the reduction in the tariff which they propose—from thirty per cent. down to ten per cent.—is a noble step in the right direction, I appeal to this Congress, with the facts and figures thus hurriedly condensed and laid before them, to strike out that amount, which would be but nominal, and to complete the trio of the poor man's luxuries by adding sugar to that free list which tea and coffee have already made so popular. The boon will be marred by making it apparently a grudging or a partial one. And if opponents say it is an "experiment," I answer that *now*, when your plethoric Treasury is overflowing, and you know not what to do with your money, is the very time of all others that you can try that experiment without the slightest hazard to your national finances. It cannot be called "*sectional*," for the twenty-five millions of consumers of sugar are to be found in every section of the Union—East and West, North and South. It must be a "*national*" relief, for even the merchants of *New Orleans* paid duties into our Treasury last year on the importation of twenty-five million pounds; and *Baltimore*, another southern port, on forty-three millions more, besides the quantity received at other points further towards our northern boundary.

I have purposely avoided any reference to other interests which are affected by the tariff, because I preferred to treat of this single question on its own merits. But I am free to say, that while I believe that duties should be so discriminated as to encourage home manufactures; that is to say, for instance, that

woollen manufactures should not be admitted, as is the case now with some varieties, (baizes, bockings, &c.,) at a smaller duty than the wool itself, thus encouraging foreign manufactures at the expense of our own, I also hold it to be the primal duty of our legislation so to adjust the burdens of taxation, especially on articles in the shape of food, that they shall fall as lightly as possible on those of slender means. And I sincerely believe, that whatever may be the result of the proposition at this session, (if other interests should combine to strike down this movement,) our whole people will wonder, ten years hence, how this duty could have been continued so long, as they would now wonder if an American Congress was to reimpose a tariff on tea and coffee.

For one State—the one I have the honor in part to represent here—I am fortunately at no loss to know what are her desires. Since the introduction of the proposition which I have been defending, her Legislature, now in session, has passed a joint resolution requesting her Congressional delegation to vote for the entire repeal of the existing duties on sugar. Though the two branches of that Legislature are at wide variance politically on nearly all the questions of the day, this is one of the very few things they have mutually agreed upon; and on a call of the yeas and nays in both Houses, but nine members out of the one hundred and fifty voted against it. I believe a like preponderance of sentiment would be found in an overwhelming majority of the States, South as well as North, if the question was tested. And though I dis-

claim all right to speak for any other district but my own, I should confess my surprise, if the question of free sugar were submitted to the voters of every district in the land, if a majority could be found in twenty out of the two hundred and thirty-four to vote against it. Convinced that I will most truly *represent* the wishes of an overwhelming majority of the people of my own district, as I feel a *Representative* should, by an earnest effort to abrogate the duty on an indispensable luxury of life—a duty that is felt to be as impotent to sustain unprofitable sugar works, as it is needless for the revenues of the nation, which compels us to pay far more money for a limited supply than the amplest quantity needed ever cost us before, and which takes money out of the pockets of the people to pour into a Treasury so filled to excess already, that it will prove an evil instead of a blessing, I shall embrace the first opportunity which offers under the rules, to move to amend the bill now under discussion, by adding sugar to its free list, and trust I shall be sustained by a majority of this House.

IV.

REMARKS OF MR. COLFAX ON THE RESOLUTION TO EXPEL THE DELEGATE FROM UTAH TERRITORY.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, DECEMBER 23D, 1857.

Mr. Colfax.—I dislike, Mr. Speaker, to dissent from the views which have been so ably presented by distinguished gentlemen, who are emphatically leaders of this House, the gentleman from Massachusetts [Mr. Banks], the gentleman from Maryland [Mr. Davis], the gentleman from Virginia [Mr. Bocock], and the gentleman from Kentucky [Mr. Marshall]; but I think that the self-respect of the American Congress, the representatives of twenty-five millions of American freemen, demands at least that this investigation should be had.

Gentlemen say that this resolution is extraordinary in its character. If so, sir, it is introduced for the purpose of meeting an extraordinary state of affairs, anomalous in its character, and without precedent in the history of this nation. I say nothing in regard to the immoral practices which prevail in the Territory of Utah, and have made that Territory a by-word and

reproach in all Christendom. But I desire to speak of the civil state of affairs there, and of her relations towards the General Government. What are they? Do we not know, sir—is it not a fact that has been proclaimed throughout this broad land, officially, and in every other way in which it could reach the public ear—that the authority of the United States has been openly defied and trampled under foot there, that your United States courts have been broken up, and that the United States officers have been compelled to leave the Territory, some of them fleeing from it for their lives? Is it not known that the people of the Territory are in hostile array against the army of the United States, cutting off the Government trains, and warning, officially, through their treasonable Governor, the Army of the United States not to set foot in the Territory, except upon condition of laying down their arms? While they throw off entirely, as a whole body, their allegiance to the General Government, they, at the same time, have the presumption to come here and demand that they shall be represented upon the floor of the council-hall of the nation against which they have stretched forth the gauntleted hand of defiance, and whose authority they have openly defied and scorned.

The President's message tells us the condition of affairs in the Territory of Utah. He says :

“ Without entering upon a minute history of occurrences, it is sufficient to say that all the officers of the United States, judicial and executive, with the single exception of two Indian agents, have found it neces-

sary, for their own personal safety, to withdraw from the Territory, and there no longer remains any government in Utah but the despotism of Brigham Young."

And yet, with this condition of affairs, officially proclaimed to us by the chief Executive of the nation, we are hesitating here, whether we shall pass a mere resolution of inquiry on the subject, which, it seems to me, the self-respect of Congress demands.

Mr. Banks.—Will the gentleman from Indiana have the kindness to read the conclusion of the President's remarks, referring to the restoration of the government under the Constitution and laws?

Mr. Colfax.—I will, with pleasure.

"Governor Young has, by proclamation, declared his determination to maintain his power by force, and has already commenced acts of hostility against the United States. Unless he should retrace his steps, the Territory of Utah will be in a state of open rebellion."

Now, I desire to read something more:

"He has, therefore, for several years, in order to maintain his independence, been industriously employed in collecting and fabricating arms and munitions of war, and in disciplining the Mormons for military service. As superintendent of Indian affairs, he has had an opportunity of tampering with the Indian tribes, and exciting their hostile feelings against the United States; this, according to our information, he has accomplished, in regard to some of these tribes, while others have remained true to their allegiance, and have communicated his intrigues to our Indian

agents. He has laid in a store of provisions for three years, which, in case of necessity, as he informed Major Van Vliet, he will conceal, 'and then take to the mountains, and bid defiance to all the powers of the Government.'"

And, sir, since that message was written, the news has come from the Territory of Utah that the military equipage, and arms and munitions of war, accompanying the force on that frontier, were cut off by these Mormons, openly and insultingly.

Now there has not been a mere declared intent to oppose the Government of the United States, but it has been actually carried into effect. And we are to say here whether a people like this, having openly and defiantly and insultingly thrown off all allegiance to the General Government; having sent a message through their Legislative Assembly, to the President, that they will have such and such men as officers, and no others; having thus disrobed themselves of their allegiance to the Government, shall be allowed to send their representatives here with equal rights, as to his speaking, with ourselves, to occupy a seat on this floor as our peer, and to draw his salary and per diem from the Treasury of the United States? The matter has been trifled with too long. This Brigham Young has been making treasonable threats against the General Government from the days of the administration of Mr. Fillmore to the present day; and he has over and over again declared publicly in the face of the assembled people, that he will be the Governor of Utah, not so long as the Government of the United States

may see fit, but so long as God says he shall be Governor, declaring that he derives his commission from God instead of from the President. He has gone on fostering rebellion, till it has broken out into open war. And yet he sends, with credentials signed by the same hand which penned his proclamation of defiance to our Government, a representative here ; and we are not to be allowed, because, forsooth, there has been no precedent for it, to have a committee of inquiry to ascertain if we cannot purge ourselves from the presence of a Delegate from such a Territory. I trust the resolution will be adopted.

V.

ON THE ADMISSION OF THE STATE OF WEST VIRGINIA INTO THE UNION.

(DELIVERED IN THE HOUSE OF REPRESENTATIVES DECEMBER
9TH, 1862.)

Mr. Colfax.—I desire to state as briefly as possible to the House the reasons which will govern the vote which I shall cast upon the bill which is now pending before this body. At the last session of Congress, in common with other members, I had grave doubts as to the propriety of the passage of this bill, and I have therefore since given it the more careful and grave consideration. My mind is now made up clearly that we ought to pass the bill here and now, and I desire briefly to give the reasons which led me to that conclusion.

Two things are required by the Constitution of the United States for the admission of this new State: first, the assent of the Legislature of the State out of which it is to be formed; and secondly, the assent of Congress. The decision then turns to a great extent upon the question, whether the Governor now acting as the Governor of Virginia, and residing at Wheeling, and the Legislature to which he communicates his mes-

sages, are really the Governor and Legislature of the loyal people of Virginia. I think they are, and that the history of events in Virginia will prove that fact.

When, in February, 1861, the traitorous authorities of Virginia attempted to take that State out of the Union, the people of Western Virginia nobly resisted that conspiracy; and, instead of joining with their fellow-citizens in other parts of the State, they called together a convention elected by the loyalists of that region, and some other counties not included within the boundaries of the new State, and determined to stand, at every hazard and through every persecution, by the Union as it was. That Convention, speaking the voice of all loyal Virginians, called all the members elect of the Legislature,—chosen as they were on the day prescribed by their State Constitution—who would take the oath of fealty to the Union, to meet at Wheeling; and thus a loyal Legislature, chosen in accordance with the constitution and law of Virginia, assembled and was organized. This machinery of the State government had been abandoned by Governor Letcher and by the Legislature which participated with him in his treason. It having thus lapsed, the loyal people of Western Virginia took possession of this machinery, in order that all the State might not be driven into this wicked rebellion.

The next question is, has this loyal Legislature been recognized? There are facts enough in the action of the various branches of this Government to prove to us that they have, one and all, fully, and in various ways, recognized this as the only true and rightful gov-

ernment of Virginia. Allow me to present a few of them:

First. The Senate of the United States has recognized this Legislature as the Legislature of the State of Virginia; and admitted two Senators elected by that body to fill vacancies caused by treason, as the rightfully chosen Senators of Virginia. That was done almost unanimously by that body.

Secondly. The executive department of the Government, and the highest portion of that executive department, the President himself, has repeatedly recognized the Governor and the Legislature of Virginia as the rightful authorities of that State.

Thirdly. The Secretary of the Treasury has recognized that government as the rightful government of Virginia, for he has paid to them out of the Treasury of the Union, without complaint and without protest from any one of all the twenty-odd millions of loyal people of the United States, the \$40,000 remaining in the Treasury as the share of the State of Virginia of the proceeds of the sales of the public lands, and which the State of Virginia had hitherto refused to take from the Treasury.

Fourthly. The Secretary of War has recognized this government as the lawful government of Virginia, and Governor Pierpont as the rightful Governor of Virginia, by accepting his commissions to the officers of the noble and loyal volunteer regiments of Virginia, as commissions emanating from rightful and legal authority.

Mr. Conway rose.

Mr. Colfax.—My friend from Kansas will excuse me till I complete my allusion to these points, when I will yield to him for a question, with pleasure.

Fifthly. The Secretary of the Interior also has recognized the same thing in his communicating to Governor Pierpont, as the Governor of Virginia, the official notice of the congressional apportionment under the census of 1860, as required by law.

Sixthly. This House of Representatives—and I am glad to say that gentlemen upon the other side of the House largely participated in that act at the last session—recognized Governor Pierpont as the rightful Governor of Virginia, when they admitted the gentleman who represents the district around Fortress Monroe [Mr. Segar], who came here and claimed admission under an election ordered by Governor Pierpont, although that is a portion of Virginia distant from that which is now proposed to be admitted as a State. The loyal people there, however, recognized the Wheeling government as the only legal State government in existence in Virginia; and this House affirmed their conclusion as correct. After a thorough argument, which of course involved the question as to whether the Governor had authority to order the election, Mr. Segar was admitted to his seat, and now holds it here; and many gentlemen upon the other side of the House joined with the majority on that occasion in recognizing Governor Pierpont as the rightful Governor, as I hope they will do again to-day.

I say, then, that not only the two legislative branches of the Government, but that the President

of the United States and the various members of the Cabinet have, without dissent and without protest, as far as I have heard, by any one up to this day, recognized Governor Pierpont and the Wheeling Legislature as the rightful authority in Virginia, and it therefore seems to be a settled and concluded question; and the consent of this Legislature to the division of the State is sufficient to bring it within the purview of the Constitution.

There is another reason, based not on constitutional right, but on expediency, why I shall vote for the admission of this State. For many years past it has been apparent to the people of the whole Union that the interests of Western Virginia were not homogeneous with those of Eastern Virginia. Divided by a great natural boundary, the Alleghany mountains, the traffic and commerce between the two sections was so insignificant as not to be worth mentioning. They differed in interests, in habits, and to a great extent in institutions, for while Eastern Virginia was largely populated with slaves, in Western Virginia there was a very small portion of that kind of population. The interests of the two sections of the State, as we have seen in the stormy conflicts in the Legislature and in conventions, have always been irreconcilable; and I think it, therefore, fortunate that, by the authority of law and of the Constitution, we can now admit Western Virginia as a State into the Union. I confess, also, that I shall welcome it now with peculiar pleasure when

I see that her people have provided for the ultimate extinction of slavery, and when she comes here knocking at our door with the tiara of freedom upon her brow. I think, therefore, that considerations of expediency, as well as of constitutional power, justify me in this vote. This region of Virginia which it is proposed to admit embraces forty-eight counties, with a sufficient population for a State, and with great industrial resources. Its people are almost, if not entirely, unanimous in the desire to be admitted into the Union; and while Eastern Virginia has been surrendered almost entirely to this wicked conspiracy and unnatural rebellion, the people of Western Virginia have, over and over again, and by repeated votes, in spite of threats from the State government at Richmond and of the confederate authorities, maintained their adherence to the Government. I think there is something due to them for their fidelity and patriotism.

I must acknowledge I was surprised and pained when I saw this morning the Representative from the young State of Kansas opposing the admission of this new State of Western Virginia. In the dark and troublous times, when the heel of the invader was upon the prostrate people of Kansas, and when, with much more irregularity than that which now surrounds this constitution, even according to the argument of the gentleman himself, the people of the State organized and sent to us the Topeka constitution, I was glad to stand

by them in this Hall and to say that the spirit of the Constitution having been complied with and the people desiring that relief, we ought to open the door and welcome Kansas into the Union. At last, after years of struggle here, her call was heeded and she is now in the glorious sisterhood of States; and I was therefore the more pained when I saw her talented and eloquent Representative interposing objections which seemed to me to be more technical than of substance to the granting of the petition which the oppressed people of Western Virginia have sent here, following to some extent the example set by Kansas. And now, Sir, I will yield to my friend from Kansas to enable him to ask his question.

Mr. Conway.—I sought to interrupt my friend from Indiana for the purpose of inquiring whether the recognition of the President was not the first given to the new government, and whether the recognition by the Senate and the admission of the Senators from Virginia was not based upon the recognition of the Executive, it being assumed that the recognition of this State was an executive function, and having been performed by the Executive, that the matter was determined. I so understood it, and therefore I levelled my remarks and objections against this proceeding towards the President.

My friend says that this proceeding was not protested against at the time and has not been protested against up to this time. I must correct him in that. I have protested against it for myself

from the commencement, both as a citizen and as a member of this House. I presented almost substantially the same views as I have uttered here to-day, at the last session of Congress.

And now, permit me to say further that I have no earthly objection to the people of Western Virginia becoming a State of this Union. I think that they are entitled to be such, and I am only sorry that my judgment interposes itself at this time against my giving my vote for their admission; but I believe that there is a principle involved which affects not only this case of Western Virginia, but which touches more interests, and interests of greater magnitude, than any which have ever been brought to the consideration of this House prior to this great struggle.

Before I conclude, I should like to say further that there is no analogy between the case presented in this bill, and that presented by the people of Kansas, when they solicited admission into the Union under the Topeka constitution. This is not the application of a Territory for admission as a State. This is the application of the people of a portion of a State for its division. There is a most substantial and important difference. If the people of Western Virginia had stood in their relation to this Government as a Territory, as the people of Kansas stood at that time, and they had come forward for admission, however irregularly—if they had even come up spontaneously by the people and solicited admission—I would have been willing to have voted to admit them, on the

ground that the action of Congress, in admitting them into the Union, would go back and take effect from the very inception of the movement, and give it legality. It was upon that ground that I maintained the admission of Kansas into the Union under an act of this description. But Western Virginia presents itself in an entirely different aspect. It comes here asking the division of a State, and the point which I make is that it does not show a case in which there is the requisite constitutional sanction for a division. The Legislature of the State has not given its consent to it. It is not necessary for me to go over the reasons why I cannot agree that the Legislature under the Wheeling constitution is the true one.

Mr. Sheffield.—I desire to ask the gentleman from Kansas a question.

Mr. Conway.—I hold the floor only by the sufferance of the gentleman from Indiana.

Mr. Colfax.—Although I think the question of my friend from Kansas rather a long one, I will yield to him further.

Mr. Sheffield.—I desire to ask the gentleman from Kansas if the authority of the case which he cited this morning when he was upon the floor was not that the recognition of a government by the Executive alone determined the lawfulness of the character of that government?

Mr. Conway.—I answer yes; but I impeach the correctness of that decision.

Mr. Sheffield.—Oh!

Mr. Conway.—I insist that the President of the

United States has wrongfully exercised his discretion in this case; and that, if this instance is brought in as a precedent for future action, it will involve the entire subversion of our constitutional system.

Mr. Shellabarger.—I wish to make an inquiry of the gentleman from Kansas. I understand him to take the position that the revolutionary and treasonable action of the members of the State government of Virginia has, in fact and in law, abrogated the government of Virginia; that that government has ceased to be a government, and that thereby the State of Virginia has become a Territory, or a portion of the territory of the United States. If that be his position, and if Virginia has become a Territory, then I wish to know, when a portion of the people of that new Territory have formed a constitution, and come asking to be recognized, and admitted as a State of the Union, where there is any constitutional objection to their being recognized and admitted as a State, and whether we have not, again and again, without any enabling act of Congress, admitted States with their constitutions into the Union?

Mr. Conway.—I will say very briefly, in answer to the gentleman, that this bill does not propose to admit the Territory of Western Virginia as a State. If it did so, I should have no objection to urge against it. But the bill proposes to divide the State of Virginia, and to admit that portion of it lying west of the mountains into the Union as an additional State. Now, the point which I make, and which I tried to elucidate, is that they do not come here with the requi-

site compliance of State legislation as required by the Federal Constitution. I have already briefly discussed the question whether the Legislature that conferred this power is the Legislature of the State, and it is not necessary for me to advert to it again.

Mr. Colfax.—If I remember the question which the gentleman from Kansas rose to ask me some time since, but which he expanded, after stating it, into a speech, it was whether the Senate and the House of Representatives and the Cabinet had been influenced by the executive recognition of the State of West Virginia. I answer him very frankly that I cannot tell. I only know that we have a mass of concurrent testimony proving that, at different times and under different circumstances, and, as I said, in nearly all the cases, without any protest from any one being made or heard of throughout the country, the President, the various members of the Cabinet, the Senate, and the House of Representatives, have recognized this Governor and Legislature as the rightful authorities of Virginia. My friend from Kansas says that he made protest against it. He never made a protest against the most solemn act, performed by a Cabinet officer, in recognizing that State. That act was the taking of \$40,000 out of the national Treasury and paying it to Governor Pierpont, as the rightful Governor of Virginia. If this authority is not the rightful authority of Virginia, then the President and the Secretary of the Treasury should be condemned in every part of the Union for daring to assume such power, and to thus squander wrongfully the treasure of the people of the

whole Union. But, on the contrary, in the opinion of loyal men of all parties and sections, they did right.

My friend from Ohio [Mr. Shellabarger] partially anticipated the reply which I had reserved for the question which I knew the gentleman from Kansas would put to me after I yielded to him. The gentleman from Kansas says that if West Virginia had been a Territory like Kansas, the constitutional objection would be out of the way; and he also insists—in which I do not concede the correctness of his argument—that the State of Virginia, the whole of it, is now a Territory. But if that is true, then that Territory, through its Governor and Legislature, has applied for admission into the Union as a State; and the gentleman from Kansas ought to waive his objection to the verbal phraseology of the application. Let me give the gentleman a parallel taken from the history of Kansas herself, and so familiar to both of us. The people of that Territory declared, after they adopted the Topeka constitution, that they were then, in fact, a State, although not yet admitted. They insisted so, and the gentleman stood by them in it. They elected their Governor, and he was imprisoned because he dared to assume the authority of the Governor of Kansas. Nay, more; able jurists insist that a Territory must have virtually become a State before she can apply for admission, because the Constitution says that Congress may admit “new States,” not Territories; and that, therefore, Territories must assume the habiliments of States before they apply for admission into the United States.

Then I come back to the objection of the gentleman from Kansas. This Territory, as he calls it, has done exactly what the Territory of Kansas did. She has assumed the habiliments of a State, and her people insist, as the people of Kansas did at that time, that they are a State, and as such they knock at the doors of Congress for admission. Why not then admit them, even according to his own Territorial argument?

A few words more, and I will yield the floor to the gentleman from Kansas. The only Governor whom the loyal people of the Union recognize as the rightful Governor of Virginia, asks for the admission of this State. The only Legislature which the loyal people of the country recognize as the rightful Legislature of Virginia, have given their assent to it. The only President whom the loyal people of the country recognize as President, has acknowledged them as the rightful authority of Virginia. The only Cabinet whom the loyal people of the country recognize, has, over and over again, recognized the government which sits at Wheeling. The only Senate recognized as the rightful American Senate, has not only assented to it by receiving Senators from this State, but by stamping its seal of approval on this bill, and, so far as it is concerned, admitting this State. And this House, the only rightful House of Representatives, gave its recognition last session to Governor Pierpont and the Legislature as the rightful authorities of Virginia; and all that remains now to be done is for this House to reaffirm what it has already done before, and make this history consistent with itself.

Mr. Yeaman.—Mr. Speaker, I do not desire to debate the question, but prefer to avail myself of the kindness of the gentleman from Indiana to ask him a question. I understand the theory on which Virginia is now represented in this House and in the other wing of the Capitol to be this: that the ordinance of secession was null and void, and did not take the State out of the Union; that the government at Wheeling is not merely the *de facto* government, but is the legal government of the people of the State of Virginia, as she heretofore existed in the Union, and that if those disloyal people east of the mountains do not choose to avail themselves of that government, it is their own fault. Now, the question is, if Virginia is already in the Union and is represented on this floor, and in the other end of the Capitol, what need is there for another act to let her in again? If it is intended to divide the State, what fact takes her case out of the constitutional prohibition that no State shall be divided, and no new State shall be erected in the jurisdiction of another State, without the consent of the Legislature of that State?

Mr. Colfax.—I will answer the gentleman from Kentucky with great pleasure. This is not Virginia that is being admitted into the Union. It is West Virginia, a different State. It does not embrace the whole Territorial limits of Virginia, and I am glad to say that it does not even embrace all the loyal people of Virginia. It embraces only forty-eight counties. But there are people left in the old State of Virginia, in the Accomac district, along the Baltimore & Ohio

railroad, and fronting Washington city, that are loyal. The loyal people thus remaining are not many, to be sure, as far as we know now; but I trust that in time they will be enough, with the power of the Government aiding them, to leaven the whole mass. These people, loyal as they are, are left with old Virginia; but what we propose to admit by this bill is a different State. It is West Virginia.

Mr. Morrill, of Vermont.—I desire to ask the gentleman from Indiana a single question. He speaks of the new State of Virginia as having been recognized by the President, and all the members of the Cabinet, and especially by the Secretary of the Interior, he having returned the apportionment under the late census to the new State. Now, what I desire to ask is this: whether this House is bound to admit the whole number of Representatives to which Virginia is entitled from this new State of Virginia?

Mr. Colfax.—Mr. Speaker, I will answer that question. By the laws now existing on our statute-book it is provided that a State shall be apportioned for congressional purposes; that members shall be elected by single districts; and that the territory embraced in those districts shall be contiguous. We provide, in this very bill, that the new State shall have three Representatives, leaving the remainder to old Virginia. I therefore answer the question of the gentleman from Vermont unhesitatingly in the negative. When he makes me say that we recognized the government of Virginia as a new government, I must have been unfortunate in the choice of my language, or else he does

not quote me correctly. I said, I am quite certain, that the authorities recognized this as the government of Virginia—as the government, not as the new government.

Mr. Hutchins obtained the floor.

Mr. Olin.—With the consent of the gentleman from Ohio, I desire to propound a question to the gentleman from Indiana, [Mr. Colfax.] The gentleman from Indiana has argued this constitution question with great ability, but I wish to make of him one inquiry. What will become of the bonds and other obligations which she has issued or incurred as a State, by the recognition of the new State of West Virginia?

Mr. Colfax.—I will answer the gentleman from New York with a great deal of pleasure; but he will permit me to answer him somewhat after the Yankee fashion—we are both of sufficiently Yankee origin to warrant it—by asking another question. I ask the gentleman what became of the obligations of the State of Virginia when Kentucky was cut off from that State and admitted into the Union? What became of the obligations of the State of Massachusetts after Maine was cut off and admitted into the Union?

Mr. Olin.—I will answer the gentleman with pleasure, that Vermont, as a State, and Massachusetts, as a State, responded to their obligations; and, in both instances, the division was by the consent of the Legislatures and people of both portions of the territory to be divided.

VI.

REMARKS OF MR. COLFAX ON THE RIGHT OF A MEMBER HOLDING A COMMIS- SION IN THE ARMY TO RETAIN HIS SEAT IN THE HOUSE.

CASE OF MR. VANDEVER.

(DELIVERED IN THE HOUSE OF REPRESENTATIVES, JANUARY
21st, 1863.)

Mr. Colfax.—I will say, for one, that it is immaterial, so far as my vote is concerned, whether this House postpones the resolution until the 3d of March or decides it definitely now. I shall vote, with great pleasure, against the report of the Committee of Elections in this case; and I am glad to find, by the record of our proceedings in the first session of this Congress, which I hold in my hand, that I am sustained in that vote by a plurality of the Committee of Elections themselves. In the course of the first session of this Congress, in July, 1861, the gentleman from Ohio, [Mr. Vallandigham,] who is the originator of the action now proposed by the Committee of Elec-

tions, offered a resolution, on the 12th day of July, which I will read:

"Whereas it is rumored that Gilman Marston of New Hampshire, James E. Kerrigan of New York, Edward McPherson and Charles J. Biddle of Pennsylvania, and Samuel R. Curtis of Iowa, holding seats in this House as members thereof, have been sworn into the military service of the United States, and hold military offices under the authority of the same; and whereas James H. Campbell of Pennsylvania, also holding a seat in this House as a member thereof, has admitted upon the floor of this House that he has been so sworn and does so hold office as aforesaid: Therefore,

"Resolved, That the Committee of Elections be instructed to inquire, and without unnecessary delay to report, whether the gentlemen above named, or any others claiming or holding seats as members of this House, and at the same time holding any military office under the authority of the United States, are constitutionally disqualified to be members of this House by holding such military offices."

This resolution was advocated by the gentleman from Ohio, who presented the resolutions, holding that the members named in the resolution, were not entitled to seats upon the floor. He was answered among others by the gentleman from Pennsylvania, (Mr. Campbell,) and by the gentleman from Iowa, (Mr. Curtis.) I adopt the language of these gentleman on that occasion as my own in reply to the remarks of the gentleman from Massachusetts, [Mr. Dawes.] Mr. Campbell said:

“I hold a seat on this floor by virtue of the votes of the people of the eleventh congressional district of Pennsylvania, and I hold a commission under the broad seal of the Commonwealth of Pennsylvania, and the signature of her Governor, by which I am at present serving in the Army of the United States. I hold no two offices under the Government of the United States. I have taken an oath of allegiance to the Constitution and the laws, and the gentleman has done the same. This oath is equally binding on us both. But, Sir, there is no possible conflict between these two positions. I hold one as member of this House, by virtue of an election under the laws of the United States; and the other under the seal of the Commonwealth of Pennsylvania and the signature of her Governor.”

The gentleman from Iowa (Mr. Curtis) also defined his position very clearly, as follows :

“The position which I hold in the military service of the United States is that of a loan from the State of Iowa. The Governor of Iowa was called upon for troops, and I fell into the ranks. I was unanimously elected a colonel. I was commissioned by the Governor of Iowa, and I have tried to serve in that capacity. In my military position I am merely an officer of the State of Iowa, loaned for the time being to the United States—loaned for the purpose of sustaining the national flag—loaned to the United States for the purpose of sustaining the absolute supremacy of the laws, which it is the province of the United States to do. I do not, therefore, conceive that as a State officer serving for the State of Iowa in that capacity,

I am in any way acting as an officer of the United States. I have no commission under the Government of the United States. I am not an officer of the United States. I am an officer of the State of Iowa.

"Before I take my seat, I desire to inquire of the gentleman from Ohio whether he is not himself an officer in the militia of the State of Ohio?"

"Mr. Vallandigham. I do hold a commission under the State of Ohio."

Does not this brief extract answer the whole argument of the gentleman from Massachusetts?

And, Sir, I may ask whether the principle now sought to be settled is to go still further, and whether, having held the place of private in the volunteer force, being mustered into the service of the United States, and drawing the pay of thirteen dollars a month, would have the effect of depriving a member of his seat upon this floor? Shall officers of the State militia be excluded? for it will be seen that the gentleman from Ohio [Mr. Vallandigham] conceded in this debate with Mr. Curtis that he held that position.

These officers of the State militia are temporarily in the service of the General Government, to suppress a gigantic insurrection. They hold their commissions, not from the President of the United States, but from the Governors of their States. Therefore they do not come under the same disqualification with those who hold office under the direct authority and commission of the President of the United States. After debate, the gentleman from Illinois [Mr. Kellogg] moved to

lay the resolution upon the table. We all know what that motion to lay upon the table means. When you lay a resolution upon the table you mean to dispose of the question. When you lay it upon the table you thereby express your disapprobation of it. That resolution was laid upon the table by a vote of 92 to 51. That was when we held it to be patriotic and praiseworthy for men to go out from this Council Hall to bare their breasts to the bullets of the enemy, fighting in the defence of their country.

Mr. Vallandigham.—Let me interrupt the gentleman——

Mr. Colfax.—Not now. Wait a few minutes. It was then held to be patriotic for members to go out and fight against armed rebellion ; and laying this resolution on the table was saying, "Well done. You shall not be harmed here for exposing yourself to danger and death."

Now, Sir, this majority of forty-one was composed of a portion of the members of the Committee of Elections. There were five of them who voted on laying the resolution upon the table. Four voted to lay the resolution upon the table, and only one voted against it. Four fifths of that committee, or, rather, four fifths of all of those who voted, then deliberately declared themselves against even considering the resolution of the gentleman from Ohio [Mr. Vallandigham.] Three months after the defeat of this resolution, in the month of September, and when he had the right to suppose that it was the opinion of a majority of the Committee of Elections and of the House that he could

do so without being questioned for it, Mr. Vandever followed the example of the members whom the House had thus indorsed, and accepted a commission as colonel of an Iowa volunteer regiment. He had the right to take it for granted that the House gave its permission for him to go out and fight the enemies of the country. After he exposed himself at Pea Ridge, where that brilliant victory was won, after he has refused to retain his pay as colonel, having refunded it when he drew his Congressional pay, now, in his absence, we are asked to expel him as unworthy of membership here. For one, I will not, now nor at any other time.

But I must answer another point of the gentleman from Massachusetts, [Mr. Dawes.] He said that he had himself been willing to postpone this resolution from time to time, and yet he now condemns members on this side because they desire to postpone it a little longer.

Mr. Vallandigham.—I ask the gentleman from Indiana to read a little further of my reply to the gentleman from Iowa, [Mr. Curtis.]

Mr. Colfax.—I intend doing that to illustrate another point.

Mr. Dawes.—Do you not find in the Congressional Globe that Mr. Blair, of Missouri, got up and said that he was not in the service of the United States.

Mr. Colfax.—It is not here during the debate on this resolution.

Mr. Dawes.—It is in the Globe of another date. That was in the three months' service, when there was

no law calling for volunteers. Each one of these gentlemen asserted—and it was actually the fact, for it could not have been otherwise—that neither of them had been mustered into the service of the United States. We afterward passed a law sanctioning all that had previously been done. We authorized the President of the United States to call into the service volunteers; and we created the offices which these gentlemen have since accepted. I remember distinctly, and I think it will appear in the *Globe*, of putting a question to the gentleman from Pennsylvania, whether, in point of fact, there was any body in the service of the United States existing up to that time by the force of law. All that was called for was the militia of the country. In regard to the militia there was an express provision of the Constitution that the States should appoint the officers.

Mr. Colfax.—I will answer the gentleman from Massachusetts by reading from the *Globe*. Mr. Campbell said:

“I stated the other day, when a similar proposition was made to this House, that *I was sworn into the service of the United States* as an officer of the State militia of the Commonwealth of Pennsylvania.”

There was no disguise of the fact that they had been mustered into the service of the United States. The gentleman's recollection was incorrect. Now I will yield to the gentleman from Ohio.

Mr. Vallandigham.—The gentleman from Massachusetts has anticipated the point which I desired to make, namely, that all the gentlemen to whom the gen-

tleman from Indiana has alluded, expressly declared that they held their appointments by virtue of State authority, and therefore did not come within the plain letter of the Constitution. It was a resolution of inquiry founded upon the assumption that they had held office under the Constitution; and the resolution follows the wording of that instrument. The gentleman from Missouri, [Mr. Blair,] no longer a member of this House, while a candidate before the House—your competitor, Mr. Speaker, for a seat in that chair—very promptly announced that he had never held a commission under the authority of the United States. So it was with the gentleman from Iowa, [Mr. Curtis.] I never made any proposition to rule any body out of this House who held office in the Army under State appointments. The gentleman from Indiana has said that they do not come within the exclusion clause of the Constitution of the United States. I will thank the gentleman, as he has read a portion of the debate and noted the fact that I did not include myself in the resolution, to read a little further.

Mr. Colfax.—I repeat that I intend, before I close, to read what you desire.

Mr. Vallandigham.—Now, I have supposed and vote accordingly; if wrong, I have voted wrong. I assume, without inquiring, that Mr. Vandever holds a commission under the United States, and not from the Governor of Iowa.

Mr. Colfax.—I will yield to the gentleman from Iowa, [Mr. Wilson,] the colleague of Mr. Vandever, to state the fact about that.

Mr. Dawes.—Look at the documents.

Mr. Vallandigham.—If he is a militia officer in the service of the United States, his entire authority, so far as his appointment is concerned, is from the State, and he is not excluded. But if under the authority of the Constitution and under the law of the United States the Governor nominates or suggests the name of the officer, it does not take him out of the exclusion clause of the Constitution of the United States, because he is still commissioned by the President of the United States an officer of the United States, and is entitled to salary from the Treasury of the United States, under the Constitution and laws. I want to know what the fact is: whether, as in Ohio so in Iowa, the Governor recommends and nominates these officers under the regulation of the War Department, at the request of the President, or by the authority of law? I do not know whether there be such a law. They are not militia called out for three months or nine months, and hold their appointments from the State, and the exclusion clause of the Constitution does not affect them.

Mr. Wilson.—I will answer the inquiry suggested by the gentleman from Ohio. I will state that my colleague [Mr. Vandever] was appointed by the Governor of the State of Iowa, and was commissioned by the Governor of the State of Iowa, and not by the President or the War Department, as the colonel of the ninth regiment of Iowa volunteers. The report of the Committee of Elections shows that he commands a regiment of Iowa militia in the service of the United States.

Mr. Vallandigham.—Will the gentleman answer this question? Under the laws of Congress has not the President of the United States the authority, and has he not repeatedly exercised it, of dismissing these officers from the service of the United States?

Mr. Wilson.—No, Sir; so far as the officers from my State are concerned.

Mr. Vallandigham.—I know that it has been done in Ohio. It is being done every day. Officers holding commissions under the authority of the States do so merely by the license of the President of the United States. The Governors nominate and informally commission them. One word further. I have not designed to interfere in this discussion. The gentleman from Indiana introduced my name in his remarks, and if I were really entitled to the compliment of being the originator of this movement, I should be glad of it. In my resolution I only followed the precedents of former Congresses.

Mr. Colfax.—I have heard the gentleman from Ohio, and he has not satisfied me with his argument. He says that the President has the power to dismiss these officers. It is the question of appointing and commissioning them that we have now before us. I will read from the Constitution of the United States. I will indulge in no "hypocritical cant," as my friend from Massachusetts calls it, about my attachment to it. The gentleman from Massachusetts said, I suppose kindly to me, that if I objected to the remark "hypocritical cant," he was sorry that I felt it touched me. I do not believe that it applies to me more than to

himself. I have sworn to support the Constitution of the United States half a dozen times. I intend faithfully to support it; but I shall not make any speech to convince my fellow-members that I love it over and above themselves. I take it for granted that every one regards the palladium of our liberties as I trust I do. But here is the provision of the Constitution:

“Congress shall have power” * * * *
 “to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, *reserving to the States, respectively, the appointment of the officers,*” &c.

The Constitution expressly excludes the President from any power of appointing officers, even if he desires to, and the officers have, therefore, State and not Federal appointments.

And I will say here to the delegation from Kentucky, that if an attempt had been made in this House to eject from his seat the gallant General James S. Jackson, of Kentucky, who left this Hall to meet upon the field not only the rebels of other States but of his own, I would have stood up to-day in his defence, as I stand here to-day in defence of the absent gentleman from Iowa.

Mr. Wadsworth.—General Jackson was himself of the opinion that he had no right to a seat here.

Mr. Colfax.—I can scarcely conceive that the recollection of the gentleman from Kentucky is correct in what he has just said. He says that General Jackson himself did not think he was entitled to a seat here.

Mr. Wadsworth.—I only want to call the attention of the gentleman——

The Speaker.—The gentleman is not in order, as objection was made by the gentleman from Maine [Mr. Morrill] to interruptions.

Mr. Colfax.—I regret that the gentleman cannot be heard ; because I think that a gentleman to whom reference is made should have a right to reply. I appeal to the gentleman from Maine to withdraw his objection.

Mr. Vallandigham.—I rise to a question of order. I understand that by the rules a member has a right to reply in reference to a matter which is personal.

The Speaker.—The gentleman from Maine objected to the gentleman from Kentucky making any remark.

Mr. Vallandigham.—The Chair does not understand my point. It is that no member can step in and, by a single objection, prevent a member, to whom personal allusion has been made in debate, from replying.

The Speaker.—The gentleman from Kentucky does not come within that category. The Chair stated distinctly that a gentleman had the right to make a personal explanation, where he himself is alluded to.

Mr. Stevens.—Will the gentleman from Indiana yield to a motion to go into committee ?

Mr. Colfax.—No, Sir, not yet. I shall occupy but a short time. As objection was made to the gentleman from Kentucky replying to my allusion, I withdraw it entirely ; for it is not just to let it stand without an opportunity to him for explanation or reply. But to make the statement more emphatic and direct,

I will make the application directly to myself. I say, if I thought myself not entitled to a seat on this floor, and that I was violating the Constitution by sitting here, I would resign. I do not say it in reference to any other member; but I suppose every gentleman would feel in the same way.

Sir, the gentleman from Massachusetts [Mr. Dawes], made one strong point to-day about the Executive, as if the Executive had interfered. I do not believe that the Executive has spoken to any member of this House in reference to voting either for or against Mr. Vandever. I doubt very much whether he even knows that the question is before us for decision. Therefore, the extraordinary influence which the gentleman spoke of as overshadowing us, is all a chimera.

Then he said further, that the President, if we confirmed Mr. Vandever in his seat, would have the right to come in here and take members out of their seats. Now, I want to read, in continuation of the debate to which I have already referred, what the gentleman from Ohio [Mr. Vallandigham] has been asking me to read:

“Mr. Curtis.—Before I take my seat I desire to inquire of the gentleman from Ohio whether he is not himself an officer in the militia of the State of Ohio?

“Mr. Vallandigham.—I do hold a commission under the State of Ohio.

“Mr. Curtis.—Then, I ask the gentleman from Ohio whether, in case of an invasion, or for any cause, he is not liable to be called out by the President if the Government of the United States should take upon

itself the duty of maintaining the rights and privileges of that State?

“Mr. Vallandigham.—Unquestionably; and I then should forfeit my right to a seat upon this floor.

“Mr. Curtis.—I cannot see that.

“Mr. Vallandigham.—I should be compelled to choose between the two positions; and I would do precisely as the gentleman from Pennsylvania says he would do, select the military position in preference to the civil.”

Here comes up the question whether a member who holds a commission under his State as a militia officer without pay, can be taken out of his seat here by the President in case of invasion of the State, and whether the member was not thereby disqualified from holding a seat here. This question touches the case of every member who holds a commission as captain, lieutenant, or any other office in the “home guards,” or the militia of his State. In many States every citizen between certain ages is enrolled as a member of the State militia; and if the President, in a state of invasion, calls upon the militia *en masse* to resist the invader, any member who happened to hold a commission in this reserved force would be thereby disqualified from further service in this House. That is the consequence, if the opinions of the gentleman from Massachusetts are correct.

But I rose at the outset simply to state, in reply to the gentleman from Massachusetts, that this matter was originally introduced by the gentleman from Ohio, [Mr. Vallandigham;] that his resolution was laid on the table, and that four-fifths of the members of the

Committee of Elections who were present voted to lay it upon the table, and thus kill it; that then, and not till after this decision, Mr. Vandever accepted a colonelcy of Iowa volunteers; that he had the right to infer that this House had, in advance, justified him in doing it; that the majority of the Committee of Elections themselves approved of it; and it does seem unjust towards an absent fellow-member, facing the foe on the battle-field, that the Committee of Elections should now, in full view of such action, introduce a resolution to exclude Mr. Vandever from his seat on account of accepting this commission. I hope, therefore, that the action of yesterday may be reconsidered.

Mr. McPherson.—I rise to a personal explanation, as my name is mentioned in the resolution which has been read. When it was offered, I did not think it worth while to make any explanation upon the subject; but as I have since voted upon every phase of this question, I desire to state that I was never mustered into the military service of the United States; that my services were entirely of a voluntary character; and that I never assumed any obligation inconsistent with the discharge of my duties as a member of this House.

I desire to say further, that I presume every member of this House is prepared to meet the responsibility involved in this question. As a friend of the Administration, and as a member of this House, I do not propose to shirk the performance of this duty; and I desire to refer, in terms of regret and condemnation, to the allusion made by the gentleman from Massachusetts as to possible influences which, he intimated,

contributed to changing the votes of certain members of this House. When interrogated closely upon the point, it turns out that the allusion made by him to the Executive was merely of a supposititious character. He endeavored to create the impression that, inasmuch as the President of the United States was, by the Constitution of the United States, the Commander-in-Chief of the Army, he was endeavoring to retain in this House some six or seven liege-men, whom he could control upon all public questions. I do not think it was worthy of the reputation of the gentleman from Massachusetts to endeavor to fix any such stigma either upon the President or upon any gentleman in this House, and I regret that any such intimation has been placed upon the records of the House, and particularly by a gentleman whose position and long services entitle his general opinions to a great deal of weight.

Mr. Dawes.—I wish to say to the gentleman from Pennsylvania, he has entirely misconceived my remarks.

Mr. McPherson.—I shall be very glad to find that I have.

Mr. Dawes.—I said nothing of that kind, and intended nothing of the kind.

Mr. McPherson.—I think that the only conclusion derivable from his argument, in which he endeavored to account in this way for the change which had come over the opinions of members.

Mr. Dawes.—I accounted for it in this way, and distinctly stated it just as the gentleman from Illinois

[Mr. Washburne] repeated in so many words: that when he was asked to vote for this resolution, he saw around him six of his friends whom the resolution was going to affect.

Mr. McPherson.—The President had nothing to do with that.

Mr. Dawes.—I did not say he had.

Mr. McPherson.—Then why refer to the alleged influence of the President? I have uniformly voted upon this question with the gentleman from Massachusetts. I believe there is an incompatibility between the two positions. There is only one point upon which I am in doubt. Not being a legal man, I must of course rely upon the opinions of gentlemen better fitted than myself to give opinions upon such matters. The question is, whether the House can consider that Colonel Vandever, by spending a part of his time in the field, has vacated his seat in this House. If the gentleman will answer that point to my satisfaction, he will have removed the only difficulty in the case. He states that all the precedents are in favor of the view he entertained. The distinguished gentleman from Iowa [Mr. Wilson] holds the contrary opinion. Upon that point I confess I desire to be enlightened.

I have no feeling upon this matter, and no desire but to do my duty as an independent member of this House. I desire to hear the matter discussed. I do not think that the point to which I have alluded has been thoroughly settled, and I invite the criticism of the legal gentlemen of the House to it.

Mr. Crittenden.—Mr. Speaker, I can see no reason

at all for the excitement which prevails in the House upon this question. It appears to me to be purely a constitutional question. Certainly, Sir, I must protest against the imputation so universally cast upon the distinguished gentleman from Massachusetts [Mr. Dawes], of "lecturing the House." I do not know what gentlemen mean by "lecturing the House." The gentleman did nothing more than sustain his own opinions upon this question, and oppose the opinions of others. That is the very purpose and object of debate. And yet gentlemen here, for the want of something else to excite themselves about, seem to me to go greatly out of the way to suppose themselves lectured. I confess I heard the gentleman, although I suppose I am one of those lectured, with great pleasure. I should be very glad to hear such lectures oftener here. I would greatly prefer them to Mr. Murdoch's readings, or any body's else. [Laughter.]

Now, Sir, what is the question before us? The Constitution says that "no person holding any office under the United States" shall be a member of this body. I ask gentlemen to consider, for a moment, what was the object of this provision of the Constitution? What was its purpose? What was the reason upon which it was founded? Sir, the object of the framers of the Constitution was to preserve this body as a pure and fair representation of the people of the United States, to guard it sedulously from executive interference, and to save it even from suspicion. Was not that the object? Why should men be prohibited from sitting in this House because they held office

under the authority of the United States? Because the President of the United States could control them.

Gentlemen protest against the idea that honorable soldiers who have gone to the field to fight the battles of the country should be subject to any suspicion. Sir, that seems to me to be a most fallacious argument. The Constitution has settled that question. The Constitution says they may be suspected, and that is reason enough; or that they may be guilty, and that is a better reason; and you might just as well rail against the Constitution for a want of patriotism as rail against the arguments employed to show that they come within the terms of this constitutional prohibition. This body was intended to be a representation of the people. There are three great departments of the Government. You constitute the great legislative representation of the people, and you should not be mixed up with officers and soldiers of the Army, or any body else holding office under the authority of the United States; because by possibility you might have a President who would attempt by such means to exercise an improper influence here; because by possibility the members might be men who could be controlled by him; and because, even if neither of these things were the case, it makes them liable to suspicion as to their fidelity to the people. That is the reason of the constitutional provision. But according to the reasoning of the gentleman from Indiana [Mr. Colfax], whose patriotism always overflows and inundates him upon every subject, [laughter]—according to him, we ought not

to exclude the brave defenders of the country from seats in this Hall. The gentleman goes beyond the Constitution. He takes up the question *à priori*, and argues it upon the individual merits of the brave defenders of the country. Are they to be suspected of being liable to improper influences? No; and he regrets that the gentleman from Massachusetts should have supposed such a thing possible. Why, Sir, according to the gentleman's argument, our places could be supplied on any day by a single brigade of troops. A brigade of soldiers could supply four or five Congresses, and the patriotism of the gentleman would sustain them all in their seats; and how easy it would be for the President of the United States to carry on the Government with these seats filled with a brigade of his faithful soldiers. [Laughter.]

Mr. Colfax.—Will the gentleman from Kentucky yield to me, as he is not stating my position correctly?

Mr. Crittenden.—Certainly.

Mr. Colfax.—I am glad to perceive that he has such a good opinion of my patriotism, and I take a compliment, or a lecture from him with kindness, as a matter of course.

Mr. Crittenden.—You should have regard for the Constitution besides.

Mr. Colfax.—The gentleman speaks about the Constitution, and yet let me remind him that he sat side by side with one of his colleagues, a military officer, here for months and months, and his conscience was not at all troubled then about the Constitution being

invaded by the presence of that colleague. The President could have ordered that colleague of his into the field at any time, as much as he could order Mr. Vandever now.

As he bases his argument upon the Constitution, I wish to call his attention to the fact that the Constitution construes itself. It says, in the second clause of the sixth section, that—

“No person holding any office under the United States shall be a member of either House of Congress during his continuance in office.”

Now, how do we find out what those “officers under the United States” are? Why, by the Constitution itself; and the same Constitution, three pages further on, says, in section eight:

“Reserving to the States, respectively, the appointment of the officers of the militia called into the service of the United States.”

Mr. Wadsworth.—I would inquire if the objection of the gentleman from Maine [Mr. Morrill] is still pending?

The Speaker.—The Chair asks, in every instance where one member seeks to interrupt another, if there is objection. The Chair heard no objection in this instance, although he put the question to the House.

Mr. Crittenden.—Mr. Speaker, it is very true that I have sat here, as the gentleman has, with the member whose seat is now in question, and with others in the same position, and I have never moved in the matter. That is true; but you put the question to me now, and I must answer it. This House has been very forbear-

ing upon this subject, very forbearing, and I am as liable to impeachment for it as any other member. I have my faults, and the atonement I am always ready to make is to acknowledge them. We have been very forbearing. This thing ought never to have been allowed for a day—never for a day. If this gentleman was constitutionally disqualified, we ought not to have allowed him to sit here a single day; and now we are called upon for a decision upon the question, and in a case that presents it fairly. The gentleman is not here. You cannot turn him away from a seat which he is not actually occupying. He is in the field performing his military duties, and, for all you know, he is there by the President's command; and if he were here, the President could command him to go back to Iowa, or to Arkansas, or to anywhere else he pleased. Can such a man, subject to commands of that sort, be a proper Representative of the people, and not under the control of the Executive, who can order him North, South, East, or West, at his pleasure?

But you say that this gentleman does not hold his office by authority of the President or by authority of the United States. Why do you say so? Because he was originally commissioned by the Governor of his own State. But how came he so commissioned? By your authority—the authority of Congress. You delegated the power to so commission him, and the President agreed to receive him. This placed him in a position where he was absolutely mustered into the service of the United States, subject to all the orders of the President of the United States. That seems

to me to come within the very reason upon which this provision of the Constitution rests. We may become, as was the case in England at one time, a Parliament full of officers. It will not do to say that these are honorable men, or so honorable that they cannot be influenced. That is not the question for us. It was a question for the framers of the Constitution, and they have determined it. It is perfectly clear to me that this case comes within the provision of the Constitution. This mode of raising volunteers under the act of Congress and having certain officers designated by the State authorities, is but the substitution of the State authority for the Federal authority to designate men to command regiments. As soon as the men so designated are mustered into the service, they are literally, as they already were in reality, officers purely under the authority of the United States. I am much indebted, Sir, to the Committee of Elections for reporting upon this question as they have done. It is necessary to make this body a pure, fair, honest, and unsuspected representation of the people of the country.

Another thing, Mr. Speaker. Are not those offices perfectly incompatible? The facts in the case show that they are. Why is not the gentleman from Iowa in his seat? Because he is performing the duties of another office in a distant part of the country, and cannot be here. But independently of this incompatibility, the constitutional provision embraces the case. My friend from Illinois [Mr. Washburne] cannot see his friend removed from his place here on the supposition that he could possibly be subject to any improper influ-

ence. He was his near neighbor, and sat by him. All the relationships of neighborhood are destroyed by this cruel act of removing from office a man who is disqualified by the Constitution. The gentleman from Indiana [Mr. Colfax] wants to know why we would not rather encourage gentlemen to go out from here to the field and fight the battles of the country? I would, with all my heart, encourage them; but I would not encourage them to come back and take their seats here. There is all the difference in the world between inviting them to go out and inviting them to come back. No, Sir; the offices are incompatible. It is against the independence of a member to be subject to the orders of the President.

VII.

ON POSTAL REFORM.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, FEBRUARY
20TH, 1863.

EVENING SESSION.

The House reassembled at seven o'clock, P. M., Mr. Washburne in the chair, as Speaker *pro tempore*.

The Speaker *pro tempore* stated the business before the House to be the consideration of Senate bill No. 492, to amend the laws relating to the Post Office Department, assigned as a special order for this evening's session.

The bill was taken from the Speaker's table, and read a first and second time by title.

The bill was then read at length.

Mr. Colfax obtained the floor.

Mr. Holman.—This bill has not been printed, and I desire to move, if my colleague will permit me, to recommit it to the Committee on the Post Office and Post Roads, and order it to be printed.

Mr. Colfax.—The bill is printed, and on my colleague's file.

Mr. Holman.—Not printed by the House.

Mr. Colfax.—The same bill in substance. I will explain——

Mr. F. A. Conkling.—I wish to ask the gentleman from Indiana if I understood him to say that the bill printed and on our files is the bill which has been read at the Clerk's desk?

Mr. Colfax.—I was about to say that the bill read at the Clerk's desk is precisely the bill on the files of members of the House entitled Senate bill No. 492, with only one amendment at all material, and that is to be found in the section which provides for the registration of money-letters.

Mr. Holman.—One other question.

Mr. Colfax.—Not until I have completed this statement, for I want it to be full and fair.

The press of the country generally have the impression that the bill as it is before us remains the same as originally printed by the Senate when first introduced. The bill, however, was amended in the Senate before it passed that body so as to make the registration of money-letters voluntary, as heretofore, and not compulsory, as printed in the bill.

This is the only material change made by the Senate in the bill as printed. There are two or three immaterial changes.

Mr. Wilson.—What is the registration fee?

Mr. Colfax.—The Postmaster General is authorized by this bill to increase the registration fee to twenty cents; but I will speak of that more particularly in order in my explanation of the bill.

Before alluding to the bill and proposing the amendments which the Post Office Committee have instructed me to offer, if there be no objection, I propose that in

the consideration of this bill speeches shall be limited to ten minutes, instead of one hour, as allowed under the rules. I shall not want longer time than ten minutes myself on any proposition.

Mr. Holman.—If the bill is referred to the Committee of the Whole on the state of the Union, I will not object to that.

The Speaker *pro tempore*.—Is there objection to the proposition of the gentleman from Indiana?

Mr. Wadsworth.—I object.

Mr. Colfax.—The gentleman will understand that my proposition is to allow each member ten minutes. Not to limit the entire debate to that time.

Mr. Wadsworth.—That is just my objection. Every member will make a speech if you only give him ten minutes. [Laughter.]

Mr. Colfax.—Mr. Speaker, I will then speak briefly as to the object and scope of the bill. It contains some valuable reforms, in which the Post Office Committee of the House entirely concur. It contains one with which the majority of the House Committee concur, but in which I have been so unfortunate as to differ from them and with the Post Office Department. I will state just here the clause to which I refer. It is that which changes the compensation of postmasters from commissions to salaries. I will leave that amendment to the last, in order that we may perfect the bill in those features in which all the members of the Committee concur with each other and with the Department.

Now, Sir, in respect to the reforms proposed by the

bill, the first to which I will call the attention of the House is that which establishes uniform rates of letter and newspaper postage. It makes the postage on a letter weighing not more than half an ounce three cents all over the country.

It makes newspaper postage uniform, wiping out the distinction as to crossing State lines. There are now three hundred different rates of postage on printed matter, including the various descriptions of papers and periodicals, and the various distances they are to be carried. This bill will reduce the maximum number to twelve or fifteen rates, all easily memorized. It is impossible, under present laws, for postmasters to comprehend all the various and multiform rates of postage on newspapers and other printed matter.

There is another change in the bill, establishing a free carrier system in all the cities in which letter carriers are now authorized by law, and yet that this shall be done without expense to the Department. This may seem to be an anomaly; but I will explain that it is accomplished, in the first place, by increasing the prepaid postage on drop-letters from one to two cents; and in the second place it enlarges the carrier-system by allowing the Postmaster General to use his carrier-system for the transportation of small packages, the pay for which is to swell the fund.

This change, it will be perceived, will confer some material advantages. In the first place it will abolish the one cent nuisance to be collected by the carrier for every letter received by mail and left at the residence of the person to whom the letter is addressed. It is true

it increases the postage on drop-letters, but it will compensate for that by providing a system under which letters will be distributed in the large cities eight or ten times a day, instead of only half that number of times as at present.

The third reform to which I will call attention reduces the rate of postage on returned dead-letters. Under the law passed at the last session of Congress single letters returned to the writers from the dead-letter office, containing valuables, pay nine cents postage; those not containing valuables, six cents. This bill fixes the rate on letters containing valuable inclosures at six cents, and on those not containing valuables at three cents. It is believed that the entire expense of the dead-letter office will be reimbursed by the return of such letters to the writers at the rates which I have mentioned.

My friend from Rhode Island [Mr. Sheffield] asks me to explain the effect this bill will have upon the franking privilege. I will state to him that it was not intended to have any effect upon the franking privilege, one way or the other. As the House very well understands, I have been for years in favor of the abolition of the franking privilege. The House has passed a bill to accomplish that purpose, but the Senate have rejected it decidedly; and I learn, reliably, that they will not concur in it. My colleague on the committee, from Massachusetts, [Mr. Alley,] will, after the other amendments of the committee have been adopted, move an amendment restricting the franking privilege, leaving, however, I have no doubt gentlemen will be glad

to know, the personal privilege of members of Congress in that respect the same as at present. The amendment contains one essential feature to which I will advert right here. It cuts off the indiscriminate right of a large number of officers of the Departments to send and receive letters free. It permits the President and heads of Departments to send their letters free as now, and permits subordinates in office to send their correspondence with their superiors in office also free. But other citizens who wish to write to the Department, to make application for office, for instance, will have the privilege of prepaying their letters.

Among the reforms the bill proposes is a reduction of the incidental expenses of post offices. And it is a more important feature of the bill than gentlemen would suppose without an examination of the subject.

Another change proposes that persons directing their letters to be returned to them if not called for shall be charged three cents for each letter returned. The law now requires them to be returned without extra charge.

Another reform is in authorizing letters which have not been prepaid with stamps, but which, from their exterior, show that the lack of prepayment has been accidental, to be sent to the persons to whom they are addressed upon payment of double postage by them.

By the strict letter of the law as it now exists, where the stamps upon letters have become detached, even where the department is satisfied that the postage has been intended to be prepaid, the letters cannot be

sent to their address. The bill corrects that defect in the existing law.

I think that I have stated all of the important provisions of the bill, and I will now proceed to move the amendments I am instructed to offer by the Committee on the Post Office and Post Roads.

Mr. Hutchins.—I design to move a substitute for the bill.

Mr. Colfax.—The rule is to perfect the original bill before the question is taken on the substitute. I will now proceed to move the amendments to the original bill.

I move to insert in section four, line four, after the word "three," the words "including box-rent;" so that it will read:

SEC. 4. *And be it further enacted*, That whenever the compensation of postmasters of the several offices for the four consecutive years preceding the 1st day of July, 1863, including box-rent, shall have amounted to an average annual sum not less than \$3,000, such offices shall be assigned to the first class, &c.

This is to carry out the intention of those who drafted the bill.

The amendment was agreed to.

Mr. Colfax.—I move, in the second line of section seven, to strike out the words "once in two years," and in lieu thereof to insert "annually;" so that it will read:

SEC. 7. *And be it further enacted*, That the Postmaster General has the discretion to review annually, but not oftener, and readjust on the basis in the pre-

ceding sections of this code provided, the salary assigned by him to any office, &c.

The amendment was agreed to.

Mr. Colfax.—I move, in line three, section nine, after the word “three,” to insert these words, “and in other offices of recent establishment, and regularly increasing business;” in line five, after the word “office,” to insert “for a less period;” and in the eighth line to strike out “when” and insert “where;” so that it will read:

SEC. 9. *And be it further enacted*, That in offices which have not been established for four years prior to the 1st day of July, 1863, and in other offices of recent establishment and regularly increasing business, the salary may be adjusted upon a satisfactory return by the postmaster of the receipts, expenditures, and business of his office for a less period: *Provided*, That fifty per cent. of the gross revenue of such office shall be in all cases the largest amount allowed to such postmasters for their salaries, respectively, except in cases where it shall be a separating or distributing office, as provided for in section eleven of this law.

The amendment was agreed to.

Mr. Colfax.—I move, in line four, section fourteen, after the word “office,” to insert the word, “or;” so that it will read:

SEC. 14. *And be it further enacted*, That every postmaster shall keep a record in his office of all postage-stamps and envelopes, and of all postal-books, blanks, or property received from his predecessor in office or from the Post Office Department, or from any of its

agents, and also of all payments in money for postages, and all payments for box-rents, and of all other receipts on account of any part of the postal service, and of any other transactions which shall be required by the Postmaster General, and these records shall be preserved and delivered over to his successor in office, and shall be at all times subject to examination of any special agent of the Department.

The amendment was agreed to.

Mr. Colfax.—I move, in section fifteen, line four, to strike out “has” and insert “shall have;” so that it will read :

SEC. 15. *And be it further enacted*, That whenever, by reason of the presence of a military or naval force near any post office, unusual business accrues thereat, the Postmaster General shall have power to make a special order allowing proportionately reasonable compensation to the postmaster, and for clerical service, during the period of such extraordinary business.

The amendment was agreed to.

Mr. Colfax.—I move, in line fifteen, section sixteen, after the word “postmasters,” to insert “to the effect;” so that it will read :

And the Postmaster General is further authorized to require, by a form to be prepared by him, a sworn statement, to accompany or following the quarterly account of any or all postmasters, to the effect that such postmaster has in such account truly stated the entire amount of postages, box-rents, and all other charges and emoluments collected or received by him at his office during such quarter.

The amendment was agreed to.

Mr. Colfax.—I move, in line two, section seventeen, to strike out the words “has authority,” and to insert in lieu thereof “is hereby authorized;” so that it will read :

SEC. 17. *And be it further enacted,* That the Postmaster General is hereby authorized to regulate the periods during which undelivered letters shall remain in any post office, and the times such letters shall be returned to the dead-letter office, &c.

The amendment was agreed to.

Mr. Colfax.—I move the same amendment in the seventh line of the same section.

The amendment was agreed to.

Mr. Colfax.—I ask the attention of the House to an amendment that is material. I move to strike from the seventeenth section the following words :

“Or where a newspaper published within the delivery of an adjoining post office has the largest circulation within the post office delivery in question.”

So that it will read :

He has authority, also, to order the publication of the list of non-delivered letters at any post office, in his discretion, by writing, posted in a public place or places, or in any daily or weekly newspaper regularly published within the post office delivery having the largest circulation within such delivery ; and where no such paper is published within the post office delivery, such list may be published in any newspaper of an adjoining delivery having the largest circulation within the delivery of the post office publishing the lists, &c.

Mr. Speaker, the object of the amendment is this: the effect of these words sought to be stricken out would be to give to a daily newspaper in a large city the post office advertisements for all of the suburban towns around it. I will give an example.

Under this provision, if the New York Herald has a larger circulation in Brooklyn than any daily Brooklyn paper, it will get the post office advertisements for Brooklyn. The Post Office Committee thought that this local patronage of publishing the advertised list of letters should go to the local papers. In Boston we have a paper of large circulation.

A Member.—The Boston Courier?

Mr. Colfax.—I think that the gentleman is mistaken in its name. Under the bill as it now stands, the publication of the lists of advertised letters in Dorchester, Cambridge, Roxbury, and the adjoining towns, would be given to the Boston daily paper having the largest circulation, if they exceeded in these towns the circulation of their local papers. So, also, in villages adjacent to Cincinnati, Chicago, &c. It was for that reason the Committee on the Post Office and Post Roads moved to strike those words out.

Mr. Moorhead.—I am opposed to amending the section in the manner proposed by the gentleman from Indiana. In my district we have adjoining the city of Pittsburg, Alleghany, with a population of thirty thousand. Now, there is no daily newspaper in Alleghany, and under the law as it now stands we have to put up the advertised list of letters in writing. The gentleman's amendment, therefore, would preclude the

people of Alleghany from having its list of advertised letters published in a paper of the city of Pittsburg, which generally circulates in their own midst. In order to obviate this objection to the amendment as proposed by the gentleman, I suggest that he strike out the word "such" where it occurs, and in lieu thereof insert the word "daily," so that it will read, "and where no daily paper is published within the post office delivery," &c. If the gentleman's amendment be modified in that way, I do not know that I will then object to it.

Mr. Colfax.—I have no objection to agreeing to that modification of my amendment; I think it is right and proper, if there be no daily paper in the delivery district, that the publication of the list of advertised letters should be given to the paper of the adjoining district with the largest circulation. My amendment allows it in that event, as the gentleman will see, but I am willing to have it stated specifically. I therefore accept the amendment of the gentleman from Pennsylvania as a modification of my own amendment.

Mr. McKnight.—Let me make a suggestion. I think there ought to be a provision inserted in this bill that the daily paper to be selected shall not be a paper started as a daily paper for only two or three days, in order to secure the publication of the list of advertised letters, and then, as the saying is, to "go up." That has been done in some instances, and ought to be provided against in the future. I think that there ought to be some discretion left to the postmaster, in order that the paper in which the list of advertised letters is

published shall really be an established daily paper of the largest circulation.

Mr. Colfax.—There is no danger of any daily newspaper being started for the mere purpose of getting the publication of the list of advertised letters, for it now barely pays the cost of composition.

Mr. McKnight.—I know of cases where a paper was started as a daily paper in order to secure the publication of the list of advertised letters, and afterwards complained, because it did not get it, that it was compelled to restrict its publication from once a day to once a week.

Mr. Colfax's amendment, as modified, was agreed to.

Mr. Colfax.—In section twenty-one, line six, I move to strike out "\$600," and insert "\$800;" so that it will read:

SEC. 21. *And be it further enacted,* That letter-carriers shall be employed at such post offices as the Postmaster General shall direct for the delivery of letters in the places respectively where such post offices are established; and for their services they shall severally receive a salary, to be prescribed by the Postmaster General, not exceeding \$800 per year.

This amendment is offered at the request of the Post Office Department.

The amendment was agreed to.

Mr. Colfax.—I move to strike from the twenty-seventh section the fourth clause, which is in these words:

"Fourth. Upon all papers and periodicals published

less frequently than once a week: *Provided*, That this clause shall not take effect until the 1st day of July, 1864."

The effect of the fourth clause, if left in the bill, is to require the publishers of magazines to prepay the postage on the magazines sent through the mails to their subscribers.

The present system authorizes the subscribers to all newspapers and magazines to pay their postage quarterly at the post office where they receive their papers and magazines; and this bill requires them compulsorily to pay in advance or else to pay as transient matter, which will be a much larger sum. The Committee thought it was not wise that while you allow newspapers to send to subscribers without requiring prepayment, you should require magazine publishers to prepay the postage to their subscribers. That amendment has been considered, and now receives the assent of both the House and Senate Post Office Committees, and of the Department.

The amendment was agreed to.

Mr. Colfax.—To carry out the same idea, I move to strike out, in the next section, from the paragraph allowing subscribers to pay postage quarterly, lines twelve and thirteen, the words, "more frequently than once a week," and insert "at stated periods;" so that the clause shall read:

Upon regular weekly, tri-weekly, semi-weekly and daily publications, and all other regular publications, issued from a known office of publication at stated periods, and sent to regular subscribers.

The amendment was agreed to.

Mr. Colfax.—I move also, for the same purpose, to strike out the second clause, which is as follows :

“Second. Upon all newspapers and periodicals issued from a known office of publication less frequently than once a week, and sent to regular subscribers: *Provided*, That this clause shall cease to have any force or effect after the 30th day of June, 1864.”

The amendment was agreed to.

Mr. Colfax.—I move to amend section twenty-nine, in line two, by striking out the word “is,” and inserting “shall be.” The amendment is merely verbal.

The amendment was agreed to.

Mr. Colfax.—To section thirty I move three verbal amendments. In lines two, four, and six respectively, I move to strike out the word “embraces,” and insert in lieu thereof the words “shall embrace.”

The amendments were agreed to.

Mr. Colfax.—I am requested by the Department to move an amendment at the end of section thirty-three. At the end of the section add the following :

Provided, The Postmaster General may prescribe by regulation a rate not exceeding twenty-five cents to be charged and collected on letters marked “for special delivery ;” and when his regulations in this respect are complied with, he shall, at offices to be designated by him, cause the same to be immediately dispatched for delivery on arrival, whether in the day or night, by special carriers.

This is the Prussian system, and only refers to letters which are marked “for special delivery.”

The amendment was agreed to.

Mr. Colfax.—I move to amend section forty, in line four, by striking out the word “without,” and insert the word “with;” so that the section shall read as follows :

And be it further enacted, That all letters directed to any person not found at the office addressed may be forwarded to any other office where he may be found, with additional postage therefor.

Mr. Hutchins.—I hope that amendment will not be adopted. I think the House does not understand it.

Mr. Colfax.—This section, as it came from the Senate, provided that if a letter was sent to me, for instance, at New York, and I had left orders for the postmaster at New York to send it to me at South Bend, and then at South Bend had ordered it to be sent to me at San Francisco, it would follow me around the country without any additional charge. We think that when a letter is properly directed, and when a person has demanded that it shall be forwarded to him, he should pay one additional postage for the letter which follows him up. That is the object of the amendment. Where a letter is missent it is forwarded without additional charge ; but where it is properly directed and forwarded to another place at the request of the person to whom it is sent, the bill requires him to pay three cents. I think it is right.

Mr. McKnight.—I suggest that the gentleman had better put in the words “by request.” A letter may be chasing a person round without his request, and when he does not want it.

Mr. Colfax.—I am afraid my friend will make the bill too long.

The amendment was agreed to.

Mr. Colfax.—I move to amend the following clause of section forty-one—

“But all such letters shall be deposited in the post office at the port of arrival for mailing or delivery; and if for delivery within the United States shall be rated, if unpaid, with double rates of postage; and if only one rate shall have been prepaid by stamps, with one additional rate; in both cases covering the fee paid to the vessel. No fees shall be allowed for letters collected by a carrier on a mail route—”

by striking out the words “if unpaid,” and the words “and if only one rate shall have been prepaid by stamps with one additional rate; in both cases covering,” and inserting in lieu of the latter words the words “which shall cover.”

The amendments were agreed to.

Mr. Colfax.—I move to amend section forty-four, on page 21, line eight, by inserting before the word “circular” the word “unsealed;” so that circulars shall not be sealed up, if desired to go in the mails at circular postage.

The amendment was agreed to.

Mr. Colfax.—At the end of the same clause, I move to add the words “directed to one address;” so that the clause shall read:

“Unsealed circulars not exceeding three in number shall pass at the single rate of two cents, and in that pro-

portion for a greater number, adding one rate for three circulars, or less number thereof, directed to one address."

The amendment was agreed to.

"Mr. Colfax.—I now call the attention of the House to an important matter. At the end of section forty-five, page 22, I move to add the following:

"But the publishers of weekly newspapers may send to each actual subscriber within the county where their papers are printed and published one copy thereof free of postage."

In 1852 Congress adopted a provision authorizing publishers to send papers free of postage to any place in the county. The effect of this bill, as it came from the Senate, would be to strike that privilege down. The newspapers, as every body knows throughout the country, are now—my friend behind me says "howling" [laughter]—but they are nearly all of them now published at a loss in consequence of the increased charge for paper, the internal tax, and the higher rate of living. To take away from them this provision, which has been granted to them and continued by Congress for the last ten years, would have a very injurious effect upon them. For that reason the Committee on the Post Office directed me to move the amendment.

Mr. Sargent.—I understood the gentleman from Indiana to say, in reply to the gentleman from Rhode Island, [Mr. Sheffield,] that the franking privilege was not affected by this act.

Mr. Colfax.—It is not intended to be affected. I

did not draw the bill myself, but know that that was not the intention of its authors.

Mr. Sargent.—The requirement of the bill is that all matter shall be prepaid. Now, if that applies to newspaper postages, it must apply to all matter sent, whether by members of Congress, the Departments, or others. When this bill declares that all matter shall be prepaid at a certain rate, the true construction is that it applies as well to what you and I send as to newspapers. Therefore, I think the gentleman from Indiana is mistaken in declaring that the bill does not repeal the franking privilege, or else he is in error in wishing the amendment to prevail.

Mr. Colfax.—The franking privilege stands upon a provision of independent law. This bill was reported by the Senator from Vermont, [Mr. Collamer,] who, I believe, is opposed to the abolition of the franking privilege. I understand that the present head of the Post Office Department is not in favor of the entire abolition of the franking privilege, in which I had the misfortune to differ with him; but I know it was not the design of the Department or of the Post Office Committee to abolish it in this bill. If it had been, I should have so notified the House frankly.

Mr. Sargent.—I am in favor of that amendment. I think I am as much in favor as the gentleman from Indiana of abolishing the franking privilege entirely. But I wish the House to understand what it is voting upon; and as the gentleman from Indiana states that it is his opinion and the opinion of the Post Office Department that this bill does not repeal the franking

privilege, I wish to call attention to section fifty-two, which says "that all acts and parts of acts inconsistent with the provisions of this act are hereby repealed;" consequently, whether the franking privilege exists under an independent statute or not, it is repealed, provided it conflicts with this act. Now, by turning to page 13, we find "that upon the followingailable matter the postage must be prepaid at the time of mailing by stamps, unless otherwise expressly provided in this act."

"1. Upon all domestic letters, whether passing through the mails, or collected, or delivered by postal agents or carriers."

And subsequent provisions exclude public documents, seeds, &c.; and then again, on page 16, section thirty-two provides—

"That the rate of postage on all domestic letters transmitted in the mails of the United States, and not exceeding one half ounce in weight, shall be uniform at three cents; and for each half ounce or fraction thereof of additional weight there shall be charged an additional rate of three cents, to be in all cases prepaid by postage stamps plainly affixed to such letter."

Now, Sir, there is no provision in this bill excepting letters sent by members of Congress, or from the Departments, or by any other persons. Consequently these provisions must have full effect; and when you repeal every law inconsistent with them, you necessarily repeal the franking privilege; it makes no difference when it was passed, whether one year ago or ten years ago, it is necessarily repealed by this section.

Mr. S. C. Fessenden.—I desire to ask the gentleman from Indiana a question in regard to the forty-second section. I did not hear his opening remarks; but the eleventh line of that section provides that the registration of letters shall be compulsory.

Mr. Colfax.—That has been stricken out in the bill now before us. It is in the printed bill reported by the Senate Committee on the Post Office, but not in the bill as it passed the Senate.

I can only say to the gentleman from California [Mr. Sargent] what was the intention of the Post Office Department and of the Post Office Committee of the Senate, as I understand it from consultation with members of both. The intention was not, by any indirection, to change the law with respect to the franking privilege. The law now in force requires postage of ten cents to be paid upon all letters sent to California, and yet the gentleman sends letters there under his frank, because there is an independent law conferring the franking privilege upon certain persons, from the President down.

But, Sir, I am perfectly willing, in order that there may be no doubt about the matter, to amend the thirty-second section by inserting after the words "on all domestic letters" the words "subject to postage." That will cover the gentleman's point.

Mr. Sargent.—I would suggest the addition of a proviso like this:

"Provided, That nothing in this act shall be so construed as to abolish or abridge the franking privilege now provided for by law."

I shall not press this amendment, provided the proposition to be offered by the gentleman from Massachusetts [Mr. Alley], partially to abridge the franking privilege, prevails; but if not, I think we ought to remove all obscurity by some such amendment.

Mr. Vallandigham.—I suggest to the gentleman that he can move to add that proviso at the end of the bill, in case the amendment of the gentleman from Massachusetts [Mr. Alley] should not prevail.

Mr. Sargent.—That is my intention.

Mr. Colfax.—I wish to state that if there is to be any test vote upon abolishing the franking privilege, I shall of course vote to abolish it.

Mr. Vallandigham.—I hope no such test will be presented. We have had that subject sufficiently discussed.

The amendment of Mr. Colfax was agreed to.

Mr. Colfax.—In section forty-six, line twenty, I move to strike out the following words: "until the 1st day of July, 1864."

Mr. Wright.—Since that last amendment has been adopted, there should be an additional amendment adopted to the forty-fifth section. As it now stands, there is to be an annual postage of twenty cents charged upon any newspaper published in any county, if delivered in the county.

Now, as I understand the amendment adopted, you propose to exempt from postage newspapers delivered through the mails within the counties. It seems to me that this forty-fifth section ought to be stricken out, in order to conform to the amendment already adopted.

Mr. Colfax.—The amendment adopted of course qualifies this section in regard to papers circulating in the counties where published.

Mr. Wright.—Does not the section provide that there shall be a rate of five cents per quarter upon any newspaper that goes through the United States mails? That ought to be stricken out.

Mr. Colfax.—The proviso just added is in the same section referred to by the gentleman from Pennsylvania, and of course qualifies to that extent the whole. Let me add on the pending question: under the present law the rate of postage on a weekly paper circulated in the State where published is three and a quarter cents per quarter; and if sent outside of the State, six and a half cents a quarter. These are rates that no man can pay exactly. There is no change in which you can pay them, and in order to remove this difficulty, they have taken the average of the two and made the postage five cents per quarter. I now ask for a vote on the amendment.

The amendment was agreed to.

Mr. Colfax.—I now move to strike out all after the word "received" in line twenty of the same section, as follows: "but on and after the first day of July, 1864, these rates shall in all cases be prepaid by stamps at the time of mailing," and to insert after the words, "news dealers may pay the postage on their packages as received," the words "at the same rates *pro rata* as yearly or semi-annual subscribers, who pay postage quarterly in advance." That is only to carry out the idea in the preceding section.

The amendment was agreed to.

Mr. Colfax.—Now, Mr. Speaker, having perfected the bill, with the exception of the earlier sections to which I drew the attention of the committee, I will state that, in sections from the third up to the twelfth inclusive, there is embodied a change in the present system of compensating postmasters. I said I would reserve that point to the last.

Postmasters are now paid a commission upon the business of their offices, except when this exceeds \$4,000 per year. This, of course, creates a great deal of complication in their accounts, which has attracted the attention of the Department and induced them to ask Congress to change this system of compensation by commissions to one of compensation by salaries, the salaries to be graduated upon the average receipts of an office for the last four years. There is one exception made in this amendment, and that is that the Postmaster General shall not be confined so strictly to this average in the case of newly established offices. That is in section nine; but in any such case no more than fifty per cent. of the gross revenue is to be allowed to the postmasters.

I can appreciate the motives which have actuated the Department in the desire to change the system of commissions to one of salaries, but I have not been able to concur with the Department and with a majority of my colleagues on the Committee on the Post Office and Post Roads of the House on this question. I think that the present system, although it may cause some trouble and annoyance, is really the best system.

I think your postmasters will be far more faithful and more desirous to gather together these little dribblets out of which the revenue of the Post Office Department is created, if you make them feel that their pay will be proportionate to the receipts of their office. You thereby encourage postmasters to undergo even the laborious task of writing letters for poor persons in their vicinity who are not able to write themselves, because they feel that half to two thirds of the postal revenue collected in their offices go into their own pockets. This leads them also to encourage the circulation of newspapers, get up clubs, &c. They feel more dependent on the people for whom they are to act; and I have feared that if this system be changed into a salary system, the postmaster will be less active in the discharge of his duties. He will feel that his salary will be the same for the next two or three years, without regard to the greater or less receipts of his office. I think the change of system would tend to decrease the postal revenue. But the Department differs from me on this subject. It has been ably represented before the Post Office Committee, and the committee after hearing arguments decided that it would recommend the adoption of this plan. I, therefore, on behalf of this committee and as its organ, have to ask a concurrence in this change; though if any motion were made to strike out the section, I would vote for it.

Mr. Sheffield.—For the purpose of testing the sense of the House on this subject, I move to strike out the third section. My objection to the bill in this form is that it creates a new institution, a kind of supplemen-

tal Congress, and puts the whole power of legislation on the subject of the Postal Department in the hands of the Postmaster General. I have no doubt that it would be in very good hands, and that legislation would, perhaps, be better done by him than by Congress. But the power to legislate is in Congress, and I do not believe we have authority or that it would be good policy for us to delegate it to any Department of the Government.

I entirely agree with the chairman of the Committee on the Post Office and Post Roads, that it would be more for the interest of Government to permit these officers to receive their pay by way of commission than to fix regular salaries. The person who fixes these salaries will be constantly subjected to pressure on that account; and I assure you that the office of the Postmaster General would become a thankless office. He would be besieged by all the postmasters of the country asking him to increase their salaries, or to do some act which would give them more compensation. I hope the amendment will be adopted.

Mr. Windom.—I move to amend the amendment by striking out from the third to the twelfth section inclusive.

Mr. Sheffield. I accept the amendment.

The amendment is to strike out the following sections :

“SEC. 3. *And be it further enacted*, That the annual compensation of postmasters shall be divided into five classes; postmasters of the first class shall receive not more than \$4,000 nor less than \$3,000; postmasters of

the second class shall receive less than \$3,000 and not less than \$2,000; postmasters of the third class shall receive less than \$2,000 and not less than \$1,000; postmasters of the fourth class shall receive less than \$1,000 and not less than \$100; postmasters of the fifth class shall receive less than \$100; and the compensation of postmasters of the several classes aforesaid shall be established by the Postmaster General under the rules hereinafter provided.

“SEC. 4. *And be it further enacted*, That whenever the compensation of postmasters of the several offices for the four consecutive years next preceding the 1st day of July, 1863, shall have amounted to an average annual sum not less than \$3,000, such offices shall be assigned to the first class; whenever it shall have amounted to less than \$3,000, but not less than \$2,000, such offices shall be assigned to the second class; whenever it shall have amounted to less than \$2,000, but not less than \$1,000, such offices shall be assigned to the third class; whenever it shall have amounted to \$1,000, and not less than \$100, such offices shall be assigned to the fourth class; and whenever it shall have amounted to less than \$100, such offices shall be assigned to the fifth class.

“SEC. 5. *And be it further enacted*, That to offices of the first, second, and third classes, shall be severally assigned salaries in even hundreds of dollars as nearly as practicable in amount the same as but not exceeding the average compensation of the postmasters thereof for the four years next preceding; and to the offices of the fourth class shall be assigned severally salaries,

in even tens of dollars, as nearly as practicable in amount the same as but not exceeding such average compensation for the four years next preceding; and to offices of the fifth class shall be severally assigned salaries, in even dollars, as nearly as practicable in amount the same as but not exceeding such average compensation for the four years next preceding.

“SEC. 6. *And be it further enacted*, That wherever returns showing the average of annual compensation of postmasters for the four years next preceding the 1st day of July, 1863, shall not have been received at the Post Office Department at the time of adjustment, the the same may be estimated by the Postmaster General for the purpose of adjusting the salaries of postmasters herein provided for.”

“SEC. 7. *And be it further enacted*, That the Postmaster General has the discretion to review once in two years, but not oftener, and readjust on the basis in the preceding—sections of this code provided, the salary assigned by him to any office; but any change made in such salary shall not take effect until the first day of the quarter next following such order; and all orders made assigning or changing salaries shall be made in writing, and recorded in his journal, and notified to the Auditor for the Post Office Department.

“SEC. 8. *And be it further enacted*, That the salaries of the first, second, and third classes shall be adjusted to take effect on the 1st day of July, 1863, and of the fourth and fifth classes at the same time, or at the commencement of a quarter as early as practicable thereafter.”

“SEC. 9. *And be it further enacted*, That in offices which have not been established for four years prior to the 1st day of July, 1863, the salary may be adjusted upon a satisfactory return by the postmaster of the receipts, expenditures, and business of his office: *Provided*, That fifty per cent, of the gross revenue of such office shall be in all cases the largest amount allowed to such postmasters for their salaries, respectively, except in cases when it shall be a separating or distributing office, as provided for in section——of this law.

“SEC. 10. *And be it further enacted*, That at offices of the first and second classes the Postmaster General shall allow to the postmaster a just and reasonable sum for the necessary cost, in whole or in part, of rent, fuel, lights, and clerks, to be adjusted on a satisfactory exhibit of the facts; at offices of the third, fourth, and fifth classes, such expenses shall be paid by the postmaster, except as in the next following section provided—it being intended that such allowances shall be made in accordance with existing usages.

“SEC. 11. *And be it further enacted*, That the Postmaster General may designate certain convenient offices at the intersection of mail routes as distributing offices, and certain others as separating offices; and where any such office is of the third, fourth, or fifth class of post offices, he may make a reasonable allowance to such postmaster for the necessary cost, in whole or in part, of the clerical service arising from such duty.

“SEC. 12. *And be it further enacted*, That all postages and box-rents at post offices, and all other re-

ceipts and emoluments at a post office, shall be received and accounted for as a part of the postal revenue; and any part thereof which the postmaster ought to have collected, but has neglected to collect, shall be charged against him in his account, and he shall be liable therefor in the same manner as if the same had been collected, and he shall receive no fees or perquisites beyond his salary."

The amendment was agreed to.

Mr. Wilson moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. Alley.—I offer an amendment defining the persons who are to be authorized to frank mail matter. It is unnecessary for me to say anything after the explanation given by the chairman of the Post Office Committee. I am opposed to the franking privilege entirely, and in favor of its complete abolition. I offer this amendment at the request of the Department and in accordance with the sense of the committee. I think it, on the whole, an improvement on the present law, but I do not concur entirely in all its provisions.

The amendment was agreed to.

Mr. Windom.—I offer the following amendment;

"*Provided*, That at all offices where the carrying system shall not be established the rate on drop letters shall be one cent."

Mr. Speaker, this bill provides that the Postmaster General may establish a free carrying sys-

tem in cities, the carriers to receive salaries not exceeding \$800 per annum; these salaries to be made up from the receipts on drop letters, the postage on which is to be doubled. I do not think it equitable or just to double the postage on drop letters in country towns, where the carrying system is not established, for the benefit of the large cities where it is established.

Mr. Colfax.—The House seems to understand that the gentleman from Minnesota has reported this amendment from the Post Office Committee. That is not the case. The committee is in favor of the bill with their amendments as it stands. If this amendment be adopted, the free delivery system will either have to be abolished or the expense of it thrown upon the Treasury. Bad as the annoyance has been in past years of collecting one cent on letters from poor persons in cities, that annoyance has become almost intolerable since coin has passed out of circulation. It is difficult to get the copper or nickel coin to pay this one cent. There is no objection in the large cities to pay double rates on drop letters. The delivery is then to be free, of all mail letters, under regulations of the Department, in cities and elsewhere.

Mr. Windom.—I did not desire to be understood as offering my amendment by instruction of the Post Office Committee. The gentleman from Indiana says we must either retain the delivery system as it is, or else, if delivery is to be free, the expense of it is to fall on the Treasury. I do not so understand it. The bill provides that the carriers are to be paid out of the

fund arising from the increased postage on drop letters. This free delivery system may be very advantageous in the cities, but perhaps it would not be quite so great a convenience in country places, while certainly the doubling of the postage on drop letters would be a hardship there. Let the postage on drop letters be doubled in the cities, where they are to have the free delivery system, but where that system is not established let the postage on drop letters remain as at present. The only argument in favor of the proposition is that of uniformity; but I believe that my constituents who do not reside in cities large enough to have the carrying system are not so anxious for uniformity as to be willing to have postage doubled simply for uniformity. Hence I offer my amendment.

I know it has been said to me that this is a small matter, that the drop-letter postage does not amount to much. But in the estimation of the Committee it seems they expect to provide from the country revenue sufficient to defray the expense of carrying letters in the cities. If so, a large revenue in the aggregate must be expected to be derived from the small towns and villages which do not enjoy the benefit of the carrier system.

Now, Sir, I think the House will see that the amendment I have submitted is just. It is right that those who receive the benefit of the carrier system should be compelled to pay the expense of the system. I hope, therefore, the amendment will be adopted.

Mr. Biddle.—If I understand the drop-letter sys-

tem as it is administered in the cities of which I am one of the Representatives on this floor, the collection of one cent by the carrier from the recipient of the letter is no part of the system. I believe no drop letter is delivered at all unless a stamp is on it at the time it is placed in the post office. I do not know whether it is a part of the law, or a regulation of the Post Office Department without law, but it occurs to me that the practice of which the gentleman from Minnesota complains as an evil, is rather a benefit than otherwise. It occurs to me that I should prefer a system that would permit this one cent to be collected by the carrier of the recipient of the letter.

Mr. Colfax.—I think my friend from Pennsylvania misunderstands the proposition which this bill makes. It is that two penny stamps shall be placed on the letter at the time it is deposited in the post office, which covers both the postage and the charge for delivery. Out of these receipts the entire carrier system is to be paid, both mail and drop letters being delivered without any collection from the recipient. The difference, I repeat, is just this: by this bill two cents are paid in advance on drop letters, and three cents on all mail letters, and the letter is delivered to its address, whether in the city or at the other side of the continent, without further cost; while under the present system one cent is prepaid on the letter; the carrier then takes the letter, if a mail letter, to the house to which it is directed, rings the bell, and when the servant comes to the door, asks for the one cent due for delivery, and waits while the recipient of the letter hunts all

over the house after the one cent, and if it can be found, returns it to the door by the servant. If this proposition shall be adopted, the carrier will deliver the letter without loss of time, and by that means alone will be able to double the number of deliveries per day. The gentleman from Pennsylvania, who lives in the city of Philadelphia, has seen this practice of waiting at the door, and I think he will concur with me that it is very desirable to correct that practice.

Mr. Biddle.—That is a feature which I have not seen. I was under the impression that unless the one cent stamp was on the letter it would not be delivered. I did not know that the carrier was authorized to collect it.

Mr. Colfax.—The gentleman does not understand me. I said the one cent stamp must be placed on the letter when deposited in the post office.

Mr. Biddle.—Certainly. The carrier is not allowed to collect it at all.

Mr. Colfax.—He is not; but he does collect the one cent allowed for delivery.

The amendment was adopted.

The following section being under consideration—

SEC. 33. *And be it further enacted*, That the rate of postage on all letters not transmitted through the mails of the United States, but delivered through the post office, or its carriers, commonly described as local or drop letters, and not exceeding one half ounce in weight, shall be uniform at two cents, and an additional rate for each half ounce or fraction thereof of additional weight, to be in all cases prepaid by postage

stamps affixed to the envelope of such letter; but no extra postage or carrier's fee shall hereafter be charged or collected upon letters delivered by carriers, nor upon letters collected by them for mailing or for delivery.

Mr. Windom moved to amend by striking out the word "uniform" in the fifth line, to conform to his previous amendment, adopted by the House.

The amendment was agreed to.

Mr. Blake, from the Committee on the Post Office and Post Roads, submitted an amendment to come in at the end of the bill, embodying in substance the bill heretofore passed by the House, creating a postal money order system.

Mr. Hutchins.—I want to make a suggestion to my colleague upon that subject. I suppose this amendment is in substance the money order system which has been twice printed by the House as a separate bill, which has certainly once been passed by the House, and with which the House is doubtless familiar. I suggest, therefore, as it is very long, that its reading be dispensed with.

Mr. Blake.—It is substantially the same bill which has twice passed the House. It is a more perfect bill, however, and contains some additional details. I do not care about its being read.

Mr. Sargent.—It seems to me it is a rather cool proposition to ask us to adopt an amendment that we have not heard read.

Mr. Colfax.—It has been twice read to the House, twice printed by the House, and twice adopted by the House.

Mr. Sargent.—The gentleman says it is changed in some of its details, but is substantially the same. I think we should be permitted to judge of that.

The Speaker.—It is the right of the gentleman to have the amendment read if he insists upon it.

Mr. Sargent.—I do.

The Clerk read the amendment.

The amendment was agreed to.

Mr. Wadsworth moved that the House adjourn.

The motion was disagreed to.

Mr. Cox moved to amend by striking out all after the enacting clause of the first section, as follows :

“That the Postmaster General has power to appoint and commission all postmasters whose salary or compensation for the preceding fiscal year shall at the time of such appointment have been ascertained to be less than one thousand dollars per year; and in all other cases the President shall appoint. The person appointed postmaster shall reside within the delivery of the office to which he shall be appointed.”

And to insert instead thereof, as follows :

“That the legal voters of each city, town, village, or vicinage, who receive mail matter at the post office of such locality, be authorized, under such regulations as may be provided by the State or Territorial Legislature, to elect who shall be their choice for postmaster; and that upon the proper authentication of such choice by the proper officers, the postmasters so chosen shall be appointed and commissioned by the President of the United States.”

Mr. Cox.—I do not offer this amendment as the

organ of the Administration or of the Post Office Department; but I have no doubt they would be very glad to get rid of the immense trouble and anxiety of appointing this great army of postmasters. And I think it is a very good time, as we are about half way through an Administration, to try the experiment. I think it is a very fair compromise between the two parties. Your party having the present Administration, and ours expecting to have the next, now is a good time to confer upon the people the right to choose their postmasters. I have great confidence in the people, and I have no doubt they will exercise this power much more wisely than the Administration here at Washington.

I want a vote on my amendment, and as my friend here from Kentucky on my right promised me the benefit of his eloquence in support of this proposition, I hope he will now be heard.

Mr. Colfax.—The proposition of my friend from Ohio was a plank in the Buffalo platform the theory of which I have always favored, and which I am glad he is also indorsing. I am in favor of the principle of the amendment. There is but one difficulty in the way, which is that the best jurists have decided that it is unconstitutional. If my friend can perfect any scheme that will obviate that difficulty, I will go with him.

Mr. Cox.—I do not see that it is unconstitutional.

Mr. Colfax.—That is the only objection. So far as the principle is concerned, I see no reason why the

people may not elect their postmasters as well as their sheriffs, or any other administrative officers. But, Sir, the constitution seems to be conclusive on that subject. It says:

“But the Congress may by law vest the appointment of such inferior officers in the President alone, in the courts of law, or in the heads of Department.”

Now, any one who will look at the debates of the Convention which formed the Constitution, and to the Constitution itself, will see that our fathers excluded from election directly by the people every Federal officer, from the President down to the humblest officer.

The Constitution provided for a system of electors who were to choose the President of the United States. The theory then was, and I know that it is very different now, that these electors should be the most respectable men in the various sections from which they came; that they should meet together in the manner prescribed; and that they should there select the best man in the United States as the Chief Magistrate of the Republic. However beautiful may have been the philosophy of this proceeding, it has long since departed from the practice of the people. The practice now is for the electors to be pledged to carry out the nominations of the conventions that selected them. Now, in the appointment of these postmasters, I do not see why, if they can be elected with no detriment to the interests of the Post Office Department, and not in violation of the Constitution of the United States, it should not be done. But there is the difficulty. I

regret, with the gentleman from Ohio, that these postmasters are not elected by the people. It seems to me that it would be a great deal better if they were elected by the people; and if my friend can find any constitutional way by which we can provide for the selection of postmasters by the people, I will go as far as he does.

Mr. Cox.—Let me answer my friend from Indiana, and I think I can do it in very few words.

Mr. Dawes.—I have the consent of the gentleman from Indiana to occupy the floor for a moment.

Mr. Cox.—I thought I had the floor.

Mr. Dawes.—No, no, Sir, I have the floor.

The gentleman from Indiana wants a constitutional way for doing this thing. I think he will find it if he will look at the bank bill, which we passed this morning. Now, if there may be appointed by the President of the United States, on the recommendation of the Secretary of the Treasury, as a Comptroller—

Mr. Cox.—I do not yield the floor. The gentleman is stealing my thunder. [Laughter.] I was about to call attention to that very point.

Mr. Dawes.—Let me through with what I was about to say. The bill which we passed this morning provides that the President of the United States may appoint a Comptroller of the Treasury, on the recommendation of the Secretary of the Treasury. Now, I ask whether he may not just as well, and with as little violation to the Constitution of the United States, appoint postmasters on the recommendation of somebody else. To be sure, the Attorney General has

given an opinion that it cannot be done. Still we have done it to-day, and I do not see why we cannot do it this evening.

Mr. Cox.—The gentleman from Indiana has given to the House and to the country a pledge, a solemn pledge, (and he is a member of the next Congress,) and I want to hold him to it, that he will favor the selection of postmasters by the people. I will show the way by which it can be done. In 1865, when we bring in our Democratic President, I trust it will not make any difference to us if the postmasters are appointed by the Postmaster General or selected by the people. My resolution proposes that the people should make their choice—that they should nominate the person as postmaster to the President of the United States. Let that nomination stand as an equivalent to an election, and let the President commission the nominee. The gentleman will see that this is a constitutional way of accomplishing the thing he has so much at heart. Now, applicants are in the habit of getting long lists of names to petitions, including the names of members of Congress and influential party men in their district. Instead of the Department being filled with piles of such papers, the question will be relieved of all vexation and embarrassment by the nomination of the people.

Mr. Maynard.—How long does the gentleman from Ohio propose to extend the tenure of office of postmasters elected as he proposes? Are they to come in with an incoming Administration, and to go out with an outgoing Administration?

Mr. Cox.—If the House will show an inclination to adopt the system proposed by the amendment I have suggested, I will have a special committee, with the gentleman from Tennessee as chairman, to mature a plan. [Laughter.]

Mr. Maynard.—That is quite satisfactory. [Renewed laughter.]

Mr. Cox.—This is a postal reform bill. It is a valuable bill, and has been well digested, and I shall vote for it. But I think one of the greatest reforms which could be adopted in the postal system of the country would be to allow the people of the vicinage to say who shall be postmaster. I do not care whether that doctrine is in the Buffalo platform or anywhere else. If it is right, that is all that I care to inquire for.

Mr. Blake.—Will my colleague permit me to ask him a simple question?

Mr. Cox.—Certainly.

Mr. Blake.—I would like to ask my colleague whether he is in favor of the election of clerks in the different Departments in Washington by the people; for, if he is, he has left it out of his amendment?

Mr. Cox.—I do not exactly understand what the gentleman means. I presume, however, he may be referring to a fling at me thrown out from the other side of the House at the time we were fighting the passage of the negro soldier bill, by that member who is known as the Jeremiah Sneak of the House. He wanted the House to know whether I had a brother in

any one of the Departments in Washington : as if such a fact ought to influence my course in this House ; but he never inquired whether I had any brothers in the Army ; that was not convenient for his purpose. But I do not know what my colleague means.

Mr. Blake.—I had not any allusion to your brother at all.

Mr. Cox.—I am glad that I had the opportunity, then, to say what I have said.

Now, Mr. Speaker, I am eagerly and earnestly for this reform. I want my amendment passed by this House in order to relieve the Administration at this time of the great pressure incident to the appointments of postmasters. I am willing to relieve the Administration from the thankless task of appointing postmasters, and I ask my friend to help me in this work.

Mr. Colfax.—Mr. Speaker, I had hoped that during this evening at least there would have been no reference to the negro question, but that the House would have devoted itself to the consideration of the important business of the Post Office Department. Nor had I the faintest expectation that personal allusions would be indulged in to excite personal feeling. I regret that the gentleman from Ohio has thought proper to bring in matters that are not germane to the subject under discussion, and to recall some of the discussion between members when his friends fillibustered all night in this Hall.

Mr. Cox.—I apologize to the chairman of the Committee on the Post Office and Post Roads. I never, however, do any thing of that sort unless I have

had occasion. My colleague, [Mr. Blake,] I imagined, made the allusion about clerks, about which I had a right to be sensitive after what occurred here some time ago.

Mr. Colfax.—I regret it because this is the only evening devoted to the consideration of Post Office business, and it is to that business I would like the gentleman and the House to confine themselves.

I state in all sincerity that I am in favor of the principle of electing postmasters by the people, if practicable; and if the gentleman from Ohio will take the trouble to prepare a measure which will keep within the provisions of the Constitution, provide for all of the safeguards of the mails and the security of the postage, and against the retention of dishonest and worthless postmasters, I will go with him. Let me ask him one or two questions, to show him that his section is not matured, even though it be constitutional, which I have doubted. Suppose a postmaster nominated by the people turns out to be a defaulter, yet the people are unwilling that he shall be removed, and send up another popular vote, insisting that he shall be retained. You will have to provide in your system some means by which there will be an official oversight over the mails and over subordinates. These are only a few of the difficulties that will spring up on every hand. How to define the boundaries of postal districts is another. I will not consume time by suggesting others obvious to all who have given attention to the subject.

Mr. Cox.—I am in earnest about this amendment,

but of course in drawing it up in haste at my seat, I could not put it into perfect shape. I think the proposition is worthy the consideration of the best minds of this House. I think it is possible to accomplish what I aim at, and I would like to have an expression of the House in relation to the matter. We might make an excellent reform here. Since this war broke out the evil I propose to correct has become aggravated. This evil springs out of the petty local jealousies and partisanship at home—I refer to petition after petition, and slander after slander which are sent here for the removal of postmasters on account of political difficulties. It would be well to get rid of all that trash, and wipe the evil out. If we could refer the matter to the people, they would be better satisfied, and the President would be glad of the relief; and I say to the gentleman from Indiana he shall have my support in preparing a bill looking to that desirable object. It makes no difference to me from what source reform comes, whether from Buffalo, Charleston, or Chicago; if it is a good idea I am in favor of it.

Mr. Colfax.—The gentleman from Ohio will see that his proposition is imperfect in other respects. He does not provide for the length of time the postmasters shall serve, and without some such provision they might serve for life. The amendment does not provide for removals. It does not provide how the elections shall be conducted, who shall be the officers, nor how contested elections shall be settled where the vote has been a close one. All these things must necessarily be provided for in any such system as this.

Mr. McKnight.—Would it be in order, inasmuch as there is clearly no difference of opinion upon either side of the House, to move or suggest that the Committee on the Post Office commission, the gentleman from Ohio [Mr. Cox], the gentleman from Indiana [Mr. Colfax], and my friend here from Pennsylvania [Mr. Covode], put their heads together and perfect a bill? [Laughter.]

Mr. Cox.—I would not serve on that committee. [Laughter.]

Mr. Vallandigham.—Is the proposition of my colleague designed to take effect immediately or only after the 4th of March, 1865? If it is designed to take effect immediately, I shall vote for it, as there are a great many scurvy men now in office.

The amendment was not agreed to.

Mr. Lazear.—I move to amend by adding at the end of section thirty-seven, the following:

“And that all soldiers in the military service, while on duty in camp or in hospitals, shall be entitled to transmit and receive all matters free of postage, under such regulations as the Postmaster-General shall prescribe.”

I hope, Mr. Speaker, there will be no objection to this amendment. It is but an act of justice, as well to the soldier in camp as to his family and friends at home. It is true, Mr. Speaker, that provision has been made for the sending of letters by a soldier without the postage being prepaid, but the friend to whom it is sent must pay full postage before its delivery; and in many instances the soldier, being disappointed

in receiving his pay, is unable to provide his family with the pittance necessary to lift a letter from the office. Besides, Mr. Speaker, a favor of this kind would be encouraging to the soldier and gratifying to his friends. It would assure them that the Government was in no way unmindful of those whose lives were risked in defence of that Government.

The question was put ; and on a division no quorum voting—

Mr. Lazear demanded the yeas and nays.

Mr. Colfax.—I see many gentlemen on the other side of the House rising to demand the yeas and nays on this amendment. I stated last session, and I repeat it now, that as long as members of Congress determine to retain for themselves the franking privilege, I cannot see how it can be denied, as a matter of principle, to the soldiers also, if they desire it. I am opposed to the franking privilege for any one ; but as it is retained, I think I shall vote for this amendment ; with the full understanding that the public at large will have to be taxed for a heavy deficit in the postal system. There is a deficit now. I went as far as I thought it expedient before, in reporting a bill, which passed, that letters might be sent by soldiers without the prepayment of postage, but that the postage should be paid by the recipient at the other end of the route. But the gentleman from Pennsylvania is not satisfied with that, and desires to have the free system extended. I suppose he is in favor of the franking privilege for members of Congress, and the House seems in favor of retaining it. As he desires to retain the privilege

for himself, I think, if he wants a record made, that I shall go with him to give this privilege, enjoyed by members of Congress, to the soldiers also.

The yeas and nays were ordered.

VIII.

REMARKS OF MR. COLFAX IN CLOSING THE DEBATE ON HIS RESOLUTION TO EXPEL MR. LONG.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, APRIL
14TH, 1864.

Mr. Colfax.—Mr. Speaker, I rise to demand the previous question ; but, Sir, I understand that a point of order has been before made by the gentleman from Wisconsin [Mr. Eldridge]. If I can surrender the floor for the decision of that point of order, I will do so.

Mr. Pendleton.—I ask the gentleman from Indiana to hear me for a moment before he calls for the previous question.

Mr. Colfax.—I will hear what the gentleman has to say.

Mr. Pendleton.—I only desire to say to the gentleman from Indiana that there are three or four gentlemen on this side of the House who desire to express their views on the subject. They feel that it is an unusual thing for gentlemen to be called on to exercise the plenary power of the House without expressing their views on the particular case in which it is invoked. They think it is a very hard thing, when the question involves free speech, that the power of the pre-

vious question should be brought to bear to prevent the exercise of free speech on the question. There is no disposition, as the gentleman well knows, unnecessarily to prolong the debate or to stray into matters not connected with the pending proposition. I feel it to be the best plan for the gentleman to adopt, as the most in consonance with the feelings of the House and justice, to allow the debate to go on until these gentlemen have been heard.

Mr. Colfax.—If I consulted my own feelings, I would yield to the request made by the gentleman from Ohio; but my duty to the public business and to the public interest compels me to insist on my demand for the previous question. This debate has run to a length that every gentleman must be satisfied has been fair and ample. It has extended from Saturday morning last up to this time. I was asked by gentlemen on the other side of the House to call for the previous question on this question on last Tuesday; but I was anxious to give as large an opportunity for discussion as could be fairly asked. I have already subjected myself to the censure of the papers, and perhaps I ought to have called for the previous question on Tuesday evening last. It was debated all day on Tuesday, and Tuesday night, and Tuesday afternoon I gave notice that I should ask the House, at half past twelve o'clock to-day, to second the demand for the previous question.

If this debate be allowed to be further continued, we do not know where it is to stop. I understand there are fifteen members whose names are upon the list asking to speak. How many more will feel it to

be their duty to be heard if the previous question is not moved I cannot tell. Some twenty-five or twenty-six speeches have been made already on the subject, and I feel compelled as a duty to the House to call for the previous question.

As I have already stated, this debate presents a strong contrast to the proceedings in this House on the case of Hon. Joshua R. Giddings, from the same State as the gentleman who has made this request. He was censured by the House, which he considered as equivalent to expelling him. That was done without debate. This debate has been prolonged until it may be considered ample.

Mr. Pendleton.—I desire to make two suggestions.

Mr. Colfax.—I will hear the gentleman.

Mr. Pendleton.—I will make two suggestions. The necessity for prolonging this debate does not proceed from this side of the House. The subject was not introduced here by them. The next consideration is this: since this debate has been commenced, this side has not yet moved an adjournment or to take a recess. We have been willing to sit here so long as the majority of the House were willing to let debate go on. We are willing to do it now, and to continue it as many hours as the House may think fit.

Mr. Colfax.—The gentleman has made two statements and two mistakes. He says this action did not originate from that side of the House. I think it did, and I shall prove it when I come to make my speech.

In the second place, he says that no gentleman on that side of the House has moved an adjournment or a

recess. I think my colleague [Mr. Holman] did, and if I consulted the Journals I might find other instances.

I will state that I understand that on Tuesday night, at a quarter past eleven o'clock, the gentleman from New Jersey, who has just spoken, obtained the floor, but declined to go on at that hour, and yielded the floor to my colleague from the Lawrenceburg district [Mr. Holman], who moved that the House adjourn until Thursday. In that manner the debate was arrested at a quarter past eleven o'clock.

Mr. Pendleton.—I desire to say that I stand corrected as to the latter part of my remark. The gentleman from Indiana is right and I am wrong.

Mr. Colfax.—I knew the gentleman would accede gracefully.

Mr. Ross.—I ask the gentleman from Indiana to yield to me.

Mr. Colfax.—I feel compelled—not out of any discourtesy to the gentleman—to ask the House to second the previous question now.

The Speaker *pro tempore*.—The question is first upon the appeal of the gentleman from Wisconsin [Mr. Eldridge] from the decision of the Chair made on Tuesday last.

Mr. Ross.—I appeal to the gentleman from Indiana to allow me to make a suggestion.

Mr. Colfax.—I am compelled to decline.

Mr. Ross.—I know the suggestion will accord with the views of the gentleman.

Mr. Colfax.—I will hear it, then.

Mr. Ross.—My suggestion is that we are losing

nothing by this discussion. The Speaker has seen fit to remark that we are losing time which ought to be devoted to public business. Now, I think we are gaining time by this discussion. The public business will not be retarded by the continuance of this discussion. These speeches will have to be made some time during the session. Our constituents expect them at our hands.

Mr. Colfax.—The suggestion does not accord with my views. I thought it would not, and therefore I decline to yield any further.

Mr. Norton.—I desire to appeal to the gentleman from Indiana.

Mr. Colfax.—I will hear the gentleman's suggestion.

Mr. Norton.—I rose before the gentleman from Indiana answered the gentleman from Illinois [Mr. Ross], to ask from him the courtesy of allowing me a few moments. I have not occupied the time of the House one half hour during the whole session in the way of debate. I have desired to express my views briefly upon the question before the House. It is an important question, and I have to record my vote on it. I have tried to get the floor. Now, what I proposed to ask the gentleman from Indiana, before he declined to yield the floor to the gentleman from Illinois [Mr. Ross], was to yield to me a short time before he calls the previous question to express my views upon the subject.

Mr. Colfax.—I am afraid that my character for veracity will suffer in the House if I do not comply with the terms I made with the House on Tuesday. I am

reluctantly compelled to decline, and to say to my friend that if he had seen fit on entering upon this debate last Saturday to have spoken to the present occupant of the chair, he would have had an opportunity long since to make his speech.

Mr. Norton.—I was sick in bed on Saturday and unable to leave the house, and it is for that reason that I appeal to the gentleman from Indiana now.

Mr. Cox.—I desire to correct one remark——

Mr. Colfax.—No corrections; excuse me. I will take back any thing I have said rather than have any words with the gentleman from Ohio.

Mr. Cox.—I do not want the gentleman to take back any thing.

Mr. Harris.—I rise to a point of order.

The Speaker *pro tempore*.—One point of order is already pending. The gentleman from Indiana [Mr. Colfax] moved a certain preamble and resolution; the gentleman from Pennsylvania [Mr. Broomall] moved to amend the preamble and resolution by striking out and inserting; the gentleman from Wisconsin [Mr. Eldridge] raised the point of order that the motion of the gentleman from Pennsylvania was not in order. The Chair overruled the point of order, and the gentleman from Wisconsin appealed from that decision. The question now before the House is, "Shall the decision of the Chair stand as the judgment of the House?" and upon that the yeas and nays are demanded.

Mr. Cox.—I call for the reading of the rules pertinent to this subject.

The Clerk read rules 61 and 62, as follows:

“61. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House; and if the case require it, he shall be liable to the censure of the House.

“62. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken.”

Mr. Cox.—Will it be in order to ask the question whether the proceedings of this House show that business did not intervene between the speaking of the gentleman and the taking down the language and the introduction of the resolution of censure?

The Speaker *pro tempore*.—The Chair overruled the point of order, on the ground that it was not governed by the 62d rule. The resolution of the gentleman from Pennsylvania is based on the ground of the declara-

tions of the gentleman from Ohio, of the second district, made in the national Capitol, and published in the city of New York.

Mr. Eldridge.—It is upon the ground of the publication in New York, as I understand the Speaker.

Mr. Cox.—The Speaker held that the rule did not cover the case, as I understood him.

The Speaker *pro tempore*.—Yes.

Mr. Eldridge.—I wish to ask one question of the Speaker. Is there any evidence before the House that the gentleman from Ohio [Mr. Long] caused the publication of his speech in a New York paper?

Mr. Broomall.—There is such evidence when that question comes up.

Mr. Eldridge.—That is the question now.

The Speaker *pro tempore*.—That is not a question for the Chair to answer.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 79, nays 66.

So the decision of the Chair was sustained as the judgment of the House.

During the roll-call,

Mr. Fenton stated that he was paired with Mr. Wadsworth, but that if he had been at liberty to vote he would have voted in the affirmative.

Mr. Hubbard, of Iowa, stated that he was paired upon all these questions with Mr. Middleton.

Mr. Windom stated that his colleague, Mr. Donnelly, was confined to his room by sickness.

The result of the vote was announced as above recorded.

Mr. Colfax.—Mr. Speaker, as the amendment moved by the gentleman from Pennsylvania [Mr. Broomall] will accomplish the same purpose as my original resolution, registering the solemn condemnation of the house of the gentleman from Ohio's views, and as it is evident that gentlemen upon the other side of the House will not vote for the resolution of expulsion, I accept the amendment and demand the previous question on the resolution as thus modified. I do it with the understanding that although I have the right, after the previous question shall be sustained, to close the debate, the gentleman from Ohio who is named in the resolution shall have an hour to reply to me; and if he shall make any remarks of a personal character in his reply to me I shall ask to be allowed to reply to him.

Mr. Cox.—I move to lay the resolution upon the table.

The Speaker *pro tempore*.—The gentleman from Indiana, [Mr. Colfax,] who offered the original resolution, is entitled to the floor.

Mr. Colfax.—This is rather an extraordinary time for the gentleman from Ohio to propose to move to lay the resolution upon the table, as that would cut off my right to close the debate.

Mr. Cox.—I do not intend to cut off my friend's right to close the debate.

Mr. Colfax.—That would be the effect of the gentleman's motion.

Mr. Cox.—I withdraw it, then, but I give notice that at the proper time I will make that motion.

Mr. Davis, of Maryland.—I rise to a point of order. I desire to know whether it is competent for the gentleman from Indiana [Mr. Colfax] to modify his resolution at this stage of the discussion.

The Speaker *pro tempore*.—The Chair is of opinion that the gentleman from Indiana has a right to modify his resolution.

Mr. Davis, of Maryland.—Then I desire to say that if the previous question be not sustained I shall renew at the first opportunity the original proposition, and shall ask to have a vote on the question of expulsion.

Mr. Cox called for tellers on the previous question.

Tellers were ordered ; and Messrs. Cox and Colfax were appointed.

The House divided, and the tellers reported—ayes 76, noes 71.

So the previous question was seconded.

Mr. J. C. Allen called for the yeas and nays on ordering the main question.

Mr. Colfax.—As gentlemen are going to cause delay by voting by the yeas and nays, I believe I will proceed with my remarks now.

Mr. Cox.—We do not desire to cause delay, but it is important, in the interest of free speech, to have a vote on closing debate.

The yeas and nays were ordered.

The question was taken ; and it was decided in the affirmative—yeas 75, nays 71.

So the main question was ordered to be now put. During the roll-call,

Mr. Fenton stated that he had paired off with Mr. Wadsworth.

Mr. Hooper stated that his colleague, Mr. Eliot, had been called from the House and had paired off with Mr. McAllister.

The vote was announced as above recorded.

Mr. Colfax.—“Where are we?” was the emphatic question propounded by the eloquent gentleman from the first district of Ohio [Mr. Pendleton], on Tuesday last. I answer him, we are in the Capitol of our nation. We are in the Hall where assembles the Congress of this Republic, which, thank God, in spite of conspiracy and treason, still lives; in spite of enemies open and covert, within and without our lines, with and without arms in their hands, still lives, and which, thanks to our gallant defenders in the field, will live as long as time shall last. “Where are we?” said he. I will answer him in the language of his colleague, [Mr. Long,] whose speech is under review:

“From the day on which the conflict began up to the present hour, the confederate army has not been forced beyond the sound of their guns from the dome of the Capitol in which we are assembled. The city of Washington is to-day, as it has been for three years, guarded by Federal troops in all the forts and fortifications with which it is surrounded, to prevent an attack from the enemy.”

And yet, Sir, while we are thus placed “in this fearful hour of the country’s peril,” as the gentleman

from Ohio [Mr. Long] says in the opening paragraph of his speech; while the scales of national life and death are trembling in the balance, while our veterans are in the front seeking to save the life of the country, and willing to seal their fidelity if need be with their hearts' blood, with the enemy almost at the very gates of your capital, at such a time as this the gentleman from the second district of Ohio, rises in his seat and declares that our Government is dead; nay, more, that it is destroyed; and then, having thus consigned it to death and destruction, he avows boldly that he prefers to recognize the nationality of the confederacy of the traitors which has caused this alleged death of the Republic to any other alternative that remains.

It was on that account that I felt it my duty to bring this resolution before the House. The gentleman from Ohio would lower the banner of beauty and glory that floats above us to-day, betokening that the Congress of the United States is in session; he would pluck from the brilliant galaxy that glitters in its azure field eleven of its stars; he would allow in that diplomatic gallery some Mason, some Wigfall, or Beauregard, as envoy extraordinary and minister plenipotentiary from a foreign nation planted over the graves of our murdered sons and brothers, upon soil that belongs to the United States. Nay, more than that, he would allow the heights of Arlington to frown with hostile batteries, menacing our deliberations as we sit here in the Capitol.

The gentleman's colleague from the Columbus district, [Mr. Cox,] on Saturday last, said my course

was "extraordinary," and that remark seemed to be the key-note of most of the speeches that followed from that side of the House. But there is a parallel and a justification. I call the gentleman from Ohio himself to the stand. On last Saturday he rose in his place and said, alluding to his colleague, [Mr. Long:]

"He did not speak for his Democratic colleagues. They met this morning in caucus for the purpose of disavowing any such sentiments as those which are attributed to him. They have authorized me so to declare to this House, in justice to them and their constituencies."

Sir, it was "extraordinary" when a speech had been delivered here—nay, it was unprecedented—for the colleagues of the gentleman who delivered it, of his own political faith, to regard it as their duty to their party to hold a caucus and authorize one of their number solemnly to disavow and repudiate it upon this floor. If that can be done for the interests of party, should I be criticised for asking this House to condemn it solemnly to save the country and the country's cause from its deleterious effects? Is the country to be cared for less than the interests of party?

Mr. Pendleton rose.

Mr. Colfax.—I cannot yield unless my time can be extended, for I only have an hour to answer the speeches on the other side, and to analyze the speech now under review. But I do not wish to decline to yield if the gentleman says that I have made a mistatement of his position.

Mr. Pendleton.—I ask the gentleman to yield to me for a moment to correct a mistake.

Mr. Colfax.—I yield for that purpose, though anxious for all my time.

Mr. Pendleton.—I only want to say that my colleague did not speak in my behalf in making that statement, and, so far as I know, there was no caucus of the Ohio delegation.

Mr. Colfax.—I quoted from the Globe.

Mr. Cox.—I ask to say a word.

Mr. Colfax.—I will yield if the House will agree to extend my time. [Cries of "Agreed!" "Agreed!" from the Democratic side of the House.]

Mr. Colfax.—I will yield, then, of course.

Objection was made.

Mr. Colfax.—I must proceed, then, without interruption.

The gentlemen on the other side, every one, indeed, who have referred to it at all, have been kind enough to speak of my impartiality as the Presiding Officer of the House. I thank them for this testimonial, which I have endeavored to deserve. But at the same time most of them have expressed "regret" that I left the Speaker's chair and came down upon the floor of the House. I have, however, no regret; not even denunciations of the press, nor the strictures of members upon this floor, to which I have listened in respectful silence without interrupting them, have caused me a moment's regret. I did it in the performance of what seemed to me an imperative duty, from conscientious conviction, and from no personal unkindness to-

ward the gentleman from Ohio [Mr. Long]. I have no personal unkindness toward him or any human being who lives upon the earth. And if it had been understood when, as a Representative from the ninth congressional district of Indiana, your kindness and confidence placed me in the Speaker's chair, I was to go there fettered and tongue-tied, and to leave the people of that district disfranchised, that for all time to come during this Congress I should not speak for my country, I should have thanked you for your election, but would have rejected and spurned the commission.

I stand upon this floor to-day by no "condescension" from that responsible position. No, Sir. In that chair I am the servant of the House to administer its rules, but on this floor the equal of any other member, no more, no less.

Duty is often unpleasant, sometimes distasteful and repulsive; but, Sir, the man who will not fearlessly discharge his duty is not fit to be in public life. If my brother, under the solemnity of the stringent oath taken by members of this Congress for the first time since its enactment, had made this speech which now lies before me, I would have done the same toward him as toward the gentleman from Ohio, not that I loved him less, but my country more. As I stated in the opening of this debate, if the House did not rebuke and condemn this sentiment, you would have no right to complain of foreign countries recognizing this rebel confederacy, which the gentleman from Ohio was willing to recognize. Nay, more, if this was the support which you gave to the soldiers whom you have sent to the field,

if this was the aid and comfort you gave them, they would have the right to turn upon us and say, "You called us forth to fight the battles of the Union, while you in the Capitol allow men to make speeches which will be quoted with joy in the confederate congress, which will strengthen the arms and sinews of the men we have to meet in battle array, while they paralyze and discourage us."

The gentleman from Wisconsin [Mr. Eldridge] the other day appeared to doubt my statement that this resolution was introduced upon my own responsibility, and said he could not but believe there had been some consultation. I repeat the statement that I conferred with no member. Knowing that it was a grave responsibility to assume, I proposed to take it alone. The only member of this House to whom I stated my intention was the gentleman who now occupies the chair as Speaker *pro tempore* [Mr. Rollins, of New Hampshire], who was notified but five minutes before twelve o'clock that day that I intended to occupy the floor. Not even the gentleman from Iowa [Mr. Grinnell], who moved that day to dispense with the reading of the Journal, which has been regarded on the other side as part of the arrangement, knew any thing about it; and he will bear witness to it.

Mr. Grinnell.—I knew nothing of it.

Mr. Colfax.—But I did consult with one life-long friend, and after telling him my purpose he said, "Do you not know you will make yourself the target of attack?" I told him, yes. I had counted the cost, and was willing to be made the target of attack for the sake

of my country, and for the sake of the thousands of my constituents who have gone into the terrible arena of struggle on the battle-field, and who now themselves are the target of attack for the sake of the country they love. I would have done it had I lost thereby the honorable privilege of occupying that chair to which your partiality elevated me, or if it had driven me into private life, because it was my duty to do it.

On Saturday morning, after the reading of the Journal was dispensed with, I rested a moment, as may be remembered, and it was to see if any other member would offer the resolution—for I would have been glad to have seen it come from the other side of the House—but as none did, I took my place upon the floor as a member and offered it.

I desire before proceeding to analyze this speech of the gentleman from Ohio, in which its exact language shall be quoted, to review rapidly a few personal remarks which have fallen from gentlemen upon the other side of the House.

The gentleman from Ohio, from the Columbus district [Mr. Cox], was pleased to speak—although he bore testimony to my fairness—of my “condescending” to come down from that chair to offer this resolution. But there is an illustrious example in one whose shoe-latchet I may not be worthy to unloose; and who in times gone by, in times of war, filled that seat. I allude to him, “of lion heart and eagle eye,” whose name is closely associated with a large part of our past history, and who during our last war with Great Britain, when he represented the Lexington district of

Kentucky and was Speaker of this House, came down from that chair, and frequently upon this floor entered into the debates of this House. I have looked at the history of those times, for I desired to protect myself against any charges of departing from the privileges of this body.

Mr. Mallory rose.

Mr. Colfax.—I cannot yield unless my time is to be extended.

[Cries of "Agreed."]

Mr. Mallory.—The gentleman, I suppose, will not object to my relating in detail an event in the history of our country, when Mr. Clay, who in 1812 was Speaker of this House, descended from his place as Speaker to the floor to reply to remarks made by Josiah Quincy, of Massachusetts. I wish to observe to the gentleman from Indiana that those remarks were very intemperate, I will not say treasonable, because, deeming there is no treason in this case at all, comparisons could not be instituted between the two, but the remarks made by Mr. Quincy were very objectionable, and Mr. Clay descended from the chair to reply to those remarks, but not to move a resolution.

Mr. Colfax.—My friend from Kentucky is a much abler and older man than myself; but he is not quite as well posted in the history of that Congress as I happen to be at this time. That distinguished man, whose history is the history of the nation, came down from the Speaker's chair during the Congress of 1812-13, nine different times to make speeches; and at the next session made six speeches more.

Mr. Mallory.—Did he ever move to expel a member?

Mr. Colfax.—The gentleman will have his portion in due season, if he will allow me to get through with my remarks. Mr. Clay came down from the chair and made nine different speeches at one session, and six more at the next; and if the gentleman doubts it, let him go to that library and he will find it is so. They were on the side of his country, and in those speeches he did not hesitate about words. He used words which I shall not copy to-day.

Mr. Dawes.—If my friend from Indiana proposes to ask the gentleman from Kentucky [Mr. Mallory] to state what language of the venerable Josiah Quincy he feels justified in comparing to the speech of the gentleman from Ohio, [Mr. Long,] I have nothing to say. But unless he does that, I think it is due to the character of that distinguished gentleman that the member from Kentucky be called upon to state what language of Hon. Josiah Quincy, then a Representative upon this floor, justifies him in making the remarks he has made.

Mr. Mallory.—Will my friend from Indiana yield to me for a moment?

Mr. Colfax.—I will just this once; but am anxious for my full hour. [Cries of "Agreed!" on the Democratic side.]

Mr. Mallory.—I do not recollect the precise words used by Mr. Josiah Quincy to which Mr. Clay took exception.

Mr. Colfax.—Please be brief.

Mr. Mallory.—If the gentleman will allow me to answer the gentleman from Massachusetts in my own way, I will do so. If not, I must decline to do so at all.

Mr. Colfax.—I only asked the gentleman to be brief, but I take back the remark.

Mr. Mallory.—I spoke from my general recollection of Mr. Quincy's speeches. I remember that in the specific speech to which Mr. Clay replied, he denounced the war then being waged by this country against Great Britain as causeless, as being hostile to the interests of Massachusetts, and as a war to which he and his people were opposed. That is my general recollection of the language to which I refer. I will not quote any newspaper excerpts from his speeches, but reply upon the statement I have made as to the general tenor of the remarks indulged in by himself and by other members from Massachusetts during that memorable discussion.

Mr. Dawes.—I do not desire to mingle in this debate at all, nor to consume the time of the gentleman from Indiana; but it is due to one of the purest, most venerable, and most esteemed patriots in this land that he should be vindicated from any such innuendo or covert attack as has been made by the gentleman from Kentucky. I know that he was opposed to that war; but that he was a lover of his country and a true patriot, is as true as that the sun shines.

Mr. Colfax.—Now, Sir, I shall not get Kentucky and Massachusetts into collision again.

Mr. Mallory.—The gentleman cannot get Kentucky and Massachusetts into collision.

Mr. Colfax.—I am very glad to hear it. I meant the members from those States.

I have said that Mr. Clay came down from the Speaker's chair, and made nine speeches in the first session of the Twelfth Congress, and used most distinct and emphatic and partisan language, too; and, during the second session of that Congress, he followed that up by coming down upon the floor, as the Representative of his district, and making six speeches more. That was the time when he had the debate with Mr. Quincy, to which reference has been made. But if Mr. Quincy had said—as he did not say—that he was willing to surrender the territorial integrity of this country; nay, more, if he had said, as did the gentleman from Ohio, that he was willing to allow a foreign Government to be planted upon our own soil by traitors, building their traitorous fabric upon the oaths they had forsworn, the impetuous old chieftain of Kentucky would undoubtedly have moved his expulsion on the spot, and the members of that Congress would have acceded to his motion.

The gentleman from New York across the way—it is not parliamentary to call members by name, but I allude to the gentleman who was once the mayor of New York [Mr. Fernando Wood]—alluded to my “having descended to this gladiatorial arena as a partisan.” The gentleman did not know the place to which he was commissioned. This is now no “gladiatorial arena.” It may have been so in former times, when men with weapons in their hands sought to prevent others from expressing their sentiments. That

day has passed away. This is the Hall where assemble the Representatives of the various States of this Union, but not as gladiators. They assemble here as gentlemen, as public men, as statesmen, to guard faithfully the interests of their country which are committed to their charge, and to which they are solemnly sworn before they enter upon their duties. I did not suppose that that gentleman would indorse my resolution. He will not think it unkind of me for quoting from a speech made by him last autumn at Bergen, New Jersey. In that speech he said :

“There is no such thing as rebellion under the institutions upon which the Government of this country is founded. Suppose New York chose to secede, who dare attempt to prevent her? Virginia has the same right as New York.” * * * * “It is the duty of the people now to refuse to give another man or another dollar for the purpose of carrying on the war.”

“Suppose,” said the gentleman, “that New York chose to secede, who dare attempt to prevent her?”

Mr. Fernando Wood.—Mr. Speaker——

Mr. Colfax.—I will yield if the gentleman will say that that is a mistake; but cannot yield for him to argue it.

Mr. Fernando Wood.—I desire to say that it is not only a mistake, but that there is not the slightest foundation for the statement attributed to me by the gentleman.

Mr. Colfax.—I read it in the New York Herald, which I supposed was good authority; and find it copied in Harper's Weekly lately. However, I take

the gentleman's word for it, as I always take the word of members here. He says his speech was incorrectly reported. Let it pass.

My colleague from the Terre Haute district [Mr. Voorhees] also paid his respects to me. He declared himself in favor of unlimited freedom of speech. It was a pretty broad assertion. If a man should rise in his place here and counsel the assassination of the President, would my colleague stand by his doctrine of unlimited freedom of speech? I sincerely trust he would not. And yet the inference and teachings of the speech of the gentleman from Ohio were not only to encourage the assassination of the Republic, but to encourage the rebels to continue their assassination of the soldiers of the Republic also. My colleague quoted the inculcations of the Saviour. To them I have always bowed with respect and as authority. But when we turn to the sacred record and look for the doctrine laid down by my colleague, that unlimited freedom of speech is divine and God-given, we find the Saviour himself limiting free speech, prohibiting and condemning profanity as contrary to His law. My colleague had something to say also about the Helper book. That is an old story, dug up from the relics of the past. I was asked if I would give my name to recommend a book contrasting the industrial results of the North and the South, and I said yes. That is the whole of it. Among the supposed extracts read from the book in the ensuing campaign in Indiana, years ago, I found some which on examination proved to be forgeries, and my constituents reëlected me, after

all the charges, by over three thousand majority; so that that charge is barred out by the statute of limitations. Let it go.

The gentleman from New York, from the Utica district, [Mr. Kernan,] to whom we always listen with interest, also criticised me. He said "the speech of the gentleman from Ohio was not made in the presence of the enemy." I replied that it was, in the presence of both armies. Nay, more, it was made in the presence of the on-looking world; for it was not only published in the Congressional Globe, but an abstract of its most important points went on the wires all over the land. Nay, more, it has been borne through the lines of the enemy into the rebel camp, where, before now, it has given joy and exultation to "the banditti of man-stealers in Richmond." It has gone forth to strengthen the rebels in their work, and to make them feel they are right.

It is contended by the gentleman from New York [Mr. Kernan] that the speech of the gentleman from Ohio does not encourage sedition. Yes, Sir, it does. The riots in New York city, in Illinois, and in other parts of the country have been encouraged by just such inculcations as these, and unrebuked it would sow the seeds of more. I do not say that that result was intended, for we cannot look into the heart of any one; but there is the speech; it speaks for itself. The gentleman from New York also says that a member (and I took down his words as they fell from his lips) "*has the right, if in favor of the dissolution of the Union, to express it here*; and if we expel him for it

we would violate free discussion." I deny that position. To advocate the triumph of the rebellion and the destruction of the Union, is in defiance of the oath we have all taken. And to all this talk about Mr. Conway, let it be remembered in reply that he was not then under the obligation of the new oath prescribed by the last Congress, to forbid any such infidelity to our trust; and, as we all know, this is the first Congress in which members have been under the weighty obligations of this oath, so wide and broad in its scope, and so stringent in all its patriotic requirements. The oath declares—

"That I have voluntarily given no aid, countenance, counsel, nor encouragement to persons engaged in armed hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto."

And this is plainly a continuing oath, binding on us every day we sit here; so that if we violate it to-day we ought not to sit here, under that oath, to-morrow. Now comes the part of the oath which looks to what we shall do in the future:

"That to the best of my knowledge and ability I will support and defend the Constitution of the United States *against all enemies, foreign and domestic*; that I will bear true faith and allegiance to the same," &c.

I deny that a man who is in favor of a dissolution of the Union can rightfully sit here under that oath. He does not bear true allegiance to the Government

against all enemies, foreign and domestic, if he declares in favor of a dissolution of the Union.

Mr. Speaker, it was gratifying to hear the gentleman from New Jersey [Mr. Rogers] speak of his devotion to the right of free speech. It is good to hear that his party is to be hereafter in favor of free speech. I pass over all the sad record of the past. Can we forget the virtual expulsion of the venerable gentleman from Ohio, Joshua R. Giddings, from these Halls for offering resolutions expressing his opinion as to whether American Slavery did or did not exist in American ships on the high seas outside of our State or national limits? That was all. He was censured for this expression by a vote of the House, but he felt that he was virtually expelled, and he resigned. That was done under the previous question. Can we forget the bludgeoning of the distinguished Senator from Massachusetts, Mr. Sumner, in the other end of the Capitol, because he stood up there, and in debate spoke freely his opinions? Can we forget the Democratic votes in this Hall against expelling or censuring the members who had inflicted this barbarity upon him? Henceforth we are told we are to have a different creed in the Democratic party. Let us all hope gentlemen on the other side will not confine their new doctrine of free speech to those who shall speak in favor of a dissolution of the Union only, which seems just now exclusively the case.

Mr. Rogers.—I ask the gentleman to yield to me for a moment.

Mr. Colfax.—I cannot now, for lack of time.

Mr. Rogers again rose, and was prevented from speaking by calls to "Order."

Mr. Colfax.—I come next to the gentleman from the Cincinnati district [Mr. Pendleton], who spoke so eloquently, as he always does, and I believe without an unkind remark to myself—at least I heard none.

Mr. Rogers.—Let me ask the gentleman a question. [Cries of "Order!" "Order!" from the Republican side of the House.]

Mr. Colfax.—I would rather yield. But perhaps I can anticipate the gentleman's question.

Mr. Rogers.—Was Mr. Giddings censured or expelled?

Mr. Colfax.—He was severely censured, which he regarded, however, as a virtual expulsion, by a vote of 129 to 65, about a two-thirds vote, and he resigned.

The gentleman from Ohio read from the New York Times. I am glad that gentlemen on the other side regard it as good authority to cite here, and hope they will regard it as such on all other questions, as its editorials now find such favor in their eyes. It spoke of the attempt to expel the gentleman from Ohio as "a disgrace and an outrage." I say to that paper and to this House, that if my course is a disgrace, you can fix the brand on my forehead and I will wear it through life, nor do I want any prouder epitaph on my tombstone than that I dared fearlessly to stand up here and do my duty according to my convictions. [Great applause.]

Mr. Speaker, I desire that the rules of the House forbidding applause should be obeyed. Gentlemen on

the other side have been displeased with the galleries during the past few days. We have sat here, Sir, when those galleries glowered with hate in their eyes upon those who spoke for freedom, and applauded to the echo those who spoke for Slavery, and never were they cleared but once, to my knowledge. It is unseemly in this House for the galleries to indulge in applause or censure of what occurs upon the floor; and I would rather have the "God bless you" of some poor soldier's widow who had seen in her desolate home that I stood up for the cause for which her husband fell, or the "God bless you" of the soldier on his dangerous picket duty in front of our army, guarding the sleeping host with his own life, than the applause of these galleries, crowded as they are with talent, heroism, and beauty.

The gentleman from Ohio, as well as the New York Times, compared the speech under review with that of Chatham's, in the British Parliament, when he opposed the war against the American colonies. When he used the language which has been quoted here, what was the war in which Great Britain was engaged? The provinces upon this continent were then outlying and distant colonies of Great Britain; they were not integral parts of the British empire. Indeed, they went to war with the mother country at first because they were not; because they were taxed without representation. The man who had risen in the British Parliament and advocated the recognition of Canada during the "Patriot war," or the recognition of India during the Sepoy insurrection, would not, I grant you,

have been subject to a resolution of expulsion. The cases are not parallel with the one before us to-day. Let me present a parallel one. Suppose an unprovoked and wicked insurrection should break out in the southern counties of England, upon the very shores of the British Channel; suppose the people of those counties had gathered armies to make war upon the nation; suppose they had taken possession of that sea-coast and had put out the eyes of commerce, the light-houses there; suppose that insurrection claimed the whole of the country from the Channel to the Thames, seeking to make that river the boundary of a new and hostile nation, as it was formerly, before the time of Alfred, and again in the seventh century, a boundary of one of the former subdivisions of the British isle; and then suppose that a man had risen in the British Parliament, with its windows looking out upon the region thus claimed, and advocated the recognition of the nationality and independence of that insurrection: I ask you how long such a man would have been allowed to remain in Parliament?

The gentleman also says that "when our Constitution is dead, our liberties are gone." His colleague says the Constitution is dead now. Then if you believe him, our liberties are gone now. But the gentleman says that we propose to expel his colleague from Ohio for words spoken in debate, and he talks about the freedom of speech. Sir, the reason for this expulsion is that those words show a complicity with this conspiracy, and a willingness that it shall triumph. Our oaths require us to maintain our Government.

How can one legislate for its maintenance when he declares that it cannot be maintained, and that it is dead already?

My colleague from the Madison district [Mr. Harrington] talked of my appearing here as a prosecutor. I think when I have agreed to allow the gentleman from Ohio to have the last word, when the rules allow me to close the debate, and have done it willingly and not at the suggestion of any gentleman, I might have been spared that taunt.

But, Sir, the gentleman from Missouri [Mr. Rollins] on Tuesday evening gave me some instructions. I thank him for them. I receive with all proper deference instructions from any gentleman who sees fit to constitute himself my schoolmaster. I know right well that I have much to learn; for every year we live we find that there is much to learn. After informing me what ought and what ought not to be done, he said:

"If the cause of the country can be shaken by any such speech as the one of the gentleman from Ohio, [Mr. Long,] *it ought to be shaken.*"

It is to be hoped he will analyze that sentence and think over it, and modify it before his printed speech goes to the country. For no reason ought the cause of the country to be shaken. He went on to say that the speech of the gentleman from Ohio was a most indiscreet, injudicious, and unpatriotic speech under the circumstances; but that he would not expel or censure him for it. Of course he would not. Although he heard the unpatriotic remarks of the gentleman from

Maryland [Mr. Harris], he voted against expelling him; and when the question came up on censuring that gentleman, the vote of the member from Missouri was not found recorded either in the affirmative or negative. Of course, then, he would not vote either to expel or to censure the gentleman from Ohio.

He said, furthermore, that the gentleman from Ohio had only followed the lead of Vallandigham. I have a witness upon that subject, the gentleman from the Columbus district of Ohio, [Mr. Cox.] We have been asked why did we not move to expel Vallandigham? I answer, in the language of the gentleman from the Columbus district, in that part of his Saturday's speech referring to Mr. Vallandigham:

"But I will say this for him, that nowhere, here or at home, did he ever utter a sentiment or do an act looking to the recognition of the Southern confederacy. He said in his place in this House, again and again, and quoted Mr. Calhoun's opinions on the Mexican war in his justification, that he would not oppose the voting of men and money to carry on this war, the responsibility for which he did not covet nor bear. But, Sir, he never would consent to a peace based upon recognition."

He insists, you see, that Mr. Vallandigham never advocated the recognition of the rebel nationality, which his present colleague so boldly avows.

Mr. Rollins, of Missouri, rose.

Mr. Colfax.—Really I cannot spare the time, unless the gentleman says he has been misstated.

Mr. Rollins, of Missouri.—I desire, with the per-

mission of the gentleman, to say, in explanation of the sentence which he has quoted from my remarks the other evening, that I do not believe that the expressions of any man or that any speech from any individual in this House, however powerful he may be intellectually, can shake, for one moment, the strength and permanency of this Union.

Mr. Colfax.—I understand the gentleman's view; he stated it at some length the other evening. I insist that the uncondemned advocacy here of such views as those of the gentleman from Ohio weakens, to that extent, the nation's sacred cause.

The gentleman from Illinois [Mr. J. C. Allen] also spoke on this subject, and here are his words. He said :

"Suppose his words *do* give aid and comfort to the enemy? Are we to exclude him for his rights? It would be in contempt of our rules and of the Constitution."

Why, Sir, what a doctrine is that! That if a gentleman's words do give aid and comfort to our enemies, we cannot, according to our rules or under the Constitution, do any thing with them. Sir, after the utterance of that sentence early in the debate, it must excite no wonder to see gentlemen opposite with shields locked over and around the member from Ohio to protect him and to say that he *shall* have the privilege of advocating the recognition of treason on this floor; that he *shall* have the privilege of paralyzing the energies of our soldiers in the field, by telling them that their Government and Constitution is dead; that he *shall* have the privilege of nerving to new struggles and to new

energies the traitorous armies of the confederacy, which our own gallant troops have been pressing closer and closer, both upon the Atlantic seaboard and upon the Gulf. What support to our imperilled country is this! Ah, Sir! what words of encouragement are these to go to the army of the Potomac, which in a few days is to meet the enemies of the Republic in, perhaps, the Waterloo of this great contest. If we permit this, then lift your blockade, because you are sending to the rebel camps what will do more to strengthen them than the munitions of war, which by that blockade you seek to exclude.

Mr. Speaker, I must hasten on, lest my time should expire, unless indeed the House will extend my time, as they have promised, to the length of the interruptions to which I have submitted.

Mr. Cox.—I object to the gentleman's time being extended, unless I am allowed to make a personal correction.

Mr. Colfax.—I am surprised that the objection should come from that side of the House after yielding to it over ten minutes of my time already on that express understanding, and conceded to the gentleman from Ohio the close after me.

Mr. Cox.—The gentleman refused to yield to me after he had given way to others.

Mr. Colfax.—I was willing then and am now to yield to the gentleman, and hope all objection will be withdrawn upon this side of the House.

Mr. Creswell.—No, Sir; I objected at the time, and I object now.

Mr. Colfax.—I come now to the speech of the member from Ohio [Mr. Long] itself, and am going to do it justice, quoting its very words as I comment on it. I pass over his allusion to the President's "coming through Baltimore under cover of night, disguised in a plaid cloak and Scotch cap, lest, as was feared by his friends, he might have received a warmer greeting than would have been agreeable at the hands of the constituents of the gentleman from Maryland, [Mr. Davis.]" He ought to have said "at the hands of the enemies" of my friend. And it is to be regretted that when he alluded to that he could not have at least rebuked, even faintly, that plot which was the cause of the Chief Magistrate's coming through Baltimore in that way. But the gentleman is entitled to choose his own words.

He then goes on to speak of the opening of this war, and says, after the inauguration:

"A secret meeting of the Governors of a number of States was soon after held in this city. A scheme was devised and a vessel sent out, *under pretence* of furnishing provisions to the troops with Major Anderson in Fort Sumter. On arriving in Charleston harbor the people of that city fired upon the fort. The telegraph bore the news to this city, and on its first mention to the President he exclaimed, '*I knew they would do it;*' which to my mind is conclusive that *it was intended for that purpose.*" * * * "Thus, Sir, was the war inaugurated."

Sir, it is scarcely necessary to vindicate the truth of history, except to say that every one knows that it

was in January, 1861, two months before the inauguration of Mr. Lincoln, that the provision vessel intended to supply our troops in Fort Sumter, the *Star of the West*, was fired upon by the batteries on Morris Island in Charleston harbor. Nay, more than that, we all know that when, after that time, Mr. Lincoln stood upon the steps of this Capitol to take the oath which made him the Chief Magistrate of this nation, although on the 18th of February Jeff. Davis had declared at Montgomery that the day of compromise was passed, and that now the North must smell Southern gunpowder and feel Southern steel, Mr. Lincoln, with a kindness of heart which did honor to him, said in reply, "There shall be no blood shed unless you yourselves commence it." He said it in the hope that their fell purpose might be set aside, and that our country might not be compelled to drink the bloody dregs of the cup of civil war. But, Sir, thirsting for blood, and at a time when they could have obtained possession of Fort Sumter in two days by the exhaustion of the supplies of its beleaguered garrison, they opened their batteries on that fort—guns forged under the flowing folds of the stars and stripes, and trained by men who had received their education at the nation's expense at West Point—guns aimed at the very heart of the American Republic. And not even then was war declared on our side. But when the telegraph brought us the rejoicing speech of the rebel secretary of war, Walker, in which he declared that the next month would find their armies in this capital, and that by May they would dictate peace to us in "Independence

Hall, at Philadelphia," then, and not till then, did Mr. Lincoln lay aside the olive-branch of peace and appeal to the people to draw the sword of war, and to save the country which they had committed to his charge. Then, and not till then, were soldiers called for to resist the triumphal march of the rebel army already in the field, and armed with the nation's guns sent to them by Floyd.

But, Sir, that is not the history of the opening of the war which the gentleman from Ohio gives. On the contrary, in this paragraph he seeks to relieve the assassins of this country from the damning guilt of having plunged this country into the horrors of civil war. That cause, abhorred of man as it will be in the future, abhorred of God as I believe it now is, that rebel cause, steeped in shame and scarred with crime, floating a flag black with treason and red with blood, the most wicked cause that ever outraged the justice of God or stained the annals of men, has had no such vindication before as it has now in the speech of the gentleman from Ohio.

But he goes on and says, speaking of these traitors in arms :

"And now, Sir, with such a prospect before them as the sequel of submission, outlawry, disfranchisement, social, moral, and political degradation, penury for themselves and their children, decreed as their portion, will they throw down their arms and submit to the terms? Who shall believe that the free, proud American blood, which courses with as quick pulsation through their veins as our own, *will not be spilled to the last drop in resistance?*"

Why not send them an appeal to come back to their allegiance which they have forfeited and forsworn? No, Sir, that is not the appeal which comes from these walls to rebels in arms. On the contrary this member says for them, as if the wish was father to the thought, that they will spill the last drop of their blood in resistance!

What does that mean? It means that when they appear in arms against the soldiers of the Union they are to be justified and encouraged by such arguments in spilling their last drop of blood; and that means the murdering of your brothers, your fathers, and your sons in the field, who are faithful to the allegiance which these traitors in arms have repudiated.

Let me quote again from the gentleman. In the same column he says:

"Can the Union be restored by war? I answer most unhesitatingly and deliberately, No, never; 'war is final, eternal separation.' My first and highest ground of opposition to its further prosecution is, that it is wrong; it is in violation of the Constitution, and of the fundamental principles on which the Federal Union was founded."

Mr. Speaker, that declaration that the war to save the nation's life is "in violation of the Constitution," is the very echo of the language of Jefferson Davis himself.

The gentleman goes further; he refers to the views expressed by the distinguished gentleman from Pennsylvania, [Mr. Stevens.] That gentleman came here from his sick-bed to repudiate, with indignant

eloquence and emphasis, the idea that he had given his adherence to any such views; that, on the contrary, he claimed that we had the double right to war on them, as foreign enemies, as they claim they are, and as domestic traitors also.

Still more of the very language of Jeff. Davis is found in the following extract from the gentleman's speech:

"Three years' experience in attempting 'by numerical preponderance and military prowess of one section exerted to coerce the other into submission' has convinced me more thoroughly that it is 'as self-contradictory as it is dangerous;' *contradictory because it violates the great principles of free government which 'derive their just powers from the consent of the governed,'* and dangerous because by its exercise, especially when wielded by a weak, vacillating, and unscrupulous man, *it destroys instead of maintaining the Union.*"

Then, if we are "violating the great principles of free government," the rebels are right and we are wrong, our soldiers must be murderers, and we a conclave of tyrants when we vote money to keep them in the field. And if I believed as does the gentleman from Ohio, I would not sit here with such associates a moment longer.

The gentleman warms with his theme as he progresses, and says:

"*If the time ever was when the Union could have been restored by war (which I do not believe) it has long since been dispelled by emancipation, confiscation,*

amnesty, and the like proclamations, military orders annulling State constitutions, setting aside State laws, obliterating State lines, and attempting to organize and set up a form of State government in their stead in which one man out of ten who shall turn abolitionist, take and subscribe an oath to execute and obey the will of Abraham Lincoln, whatever it may be, shall govern and rule over the remaining nine who refuse to become abolitionists."

I cannot stop to expose at any length this perversion of the President's plan, but draw attention to this sentence in order to show that the gentleman declares here that if ever the time was when the Union could be restored by war or by any other means, that time has passed on account of the emancipation proclamation, &c. It need only be said in regard to the President's proclamation, that it is not an assumption of dictatorial powers, but their abdication. It transfers the care of the State to the ballot-box of loyal citizens instead of ruling it by the bayonet, and his plan should not thus be perverted. Nay, more, the very oath which the President requires sets out that the persons taking it shall not be bound by it if the Supreme Court of the United States shall declare that proclamation unconstitutional.

What wrong is there in that? If that proclamation is constitutional and in force, then every good citizen should give it obedience; and if the highest court of judicature shall declare it unconstitutional, then the oath will not rest upon them a single moment. But the paragraph quoted can only be intended as an

argument to these rebels not to return to their allegiance. Let us come to the concluding part of his speech where he speaks of the amnesty. It will be seen that the objections of this speech do not rest on a single paragraph, like the following resolution offered by the gentleman from Illinois in regard to the gentleman from Maryland, [Mr. Harris,] but on the whole speech :

“Whereas Hon. Benjamin G. Harris, a member of the House of Representatives from the State of Maryland, has, upon this day, used the following language to wit: ‘The South ask you to let them live in peace; but, no, you said you would bring them into subjection. That is not done yet, and God Almighty grant that it never may be. I hope you will never subjugate the South.’ And whereas such language is treasonable and a gross contempt of this House: Therefore,

“*Be it resolved*, That the said Benjamin G. Harris be expelled from this House.”

After making a historical citation of Galileo, he says:

“So it will be with the man who is forced to take the amnesty oath, to save himself, his family, and his property; he may take it, but *in his heart he will detest and despise the authority that requires it.*

Let the gentleman from Ohio go out toward the front, and there he will find men lurking in ambush for the purpose of murdering our brothers who stand as sentinels against the advance of the enemy. They are men who have taken the oath for the purpose of

having the protection of the Government, and obtaining supplies sometimes for their starving families. They are farmers in daytime and guerrillas at night. When our troops capture one of those men and prepare to punish him as a skulking and forsworn murderer, he can present the speech of the gentleman from Ohio and say, "By the counsels of a speech made in your Hall which you refused to rebuke, I was told if I was compelled to take this oath, in my heart, he would expect me to hate and despise the authority which required it." Is that advice "true allegiance to the Government," and "maintaining and supporting it against all enemies, foreign and domestic?"

But to go on. He says:

"But, Mr. Chairman, how do we stand in the eyes of the civilized world to-day *in waging a war of subjugation and conquest against the confederate States which have seceded from us and set up a government of their own?* Are we not inconsistent with all our former acts? Have we not been early to admit this proper with regard to others? *There never was a people on the face of the earth that demanded an independent government that did not have the sympathy of the American people, and ought we now to shrink from the doctrine we have been so willing to apply to others?*"

Sir, if that means, as it says, to give "sympathy" to traitors in arms, I refuse for one to send them sympathy from this Hall. But through and through, the speech is filled with these inculcations. Let us go still further down in the column. There is much more which there is not time to read. Let me ask your at-

tention, however, to this significant confession of how long he has entertained these views:

“What our people desired in 1861, and which I honored *though I regarded as mistaken*, was the *preservation of the Government and the retention of our jurisdiction of the whole territory.*”

From 1861 till now he has regarded “the preservation of the Government and the retention of our jurisdiction of the whole territory” as a mistake. Why did not the gentleman say so when, in the month of December, he came here and took an oath that he would bear true faith and allegiance to the United States against all enemies, foreign and domestic? If he regarded the preservation of the Government and the Union, and its retention of jurisdiction over the whole country as an error, then he could not, it seems to me, honorably take that oath, which requires true faith and allegiance to the whole Union and hostility to all its enemies. We must pass rapidly over these things. He goes on to say:

“The great object of our Government should be to develop and cultivate the internal resources *of those friendly to its jurisdiction, rather than to extend it over hostile and foreign people.*”

No, Sir; the great object of our Government is to maintain to the latest syllable of recorded time our government over every foot of land which belongs to this Union, every rood and iota of it. It is doubly sacred now; sacred by the sufferings and death of those who established this Union; sacred by the blood that has flowed upon every battle-field, and by the graves

of our soldiers scattered all over the sunny South. Jackson did not say in 1832 that we must yield the Union at the demand of "hostile people," but that "the Union must and shall be preserved."

He says further :

"The words Shiloh, Antietam, Gettysburg, Murfreesboro', Richmond, Vicksburg, and Fort Donelson are words of division and disunion."

Oh, no, Sir; they are bonds of union. They are battle-fields we can never surrender. For again, Sir, our noble banner, not a star dimmed, not a stripe erased, shall wave over every battle-field and courthouse and spire throughout the entire South, with none to dare do it despite or dishonor.

The gentleman from Ohio gives us his counsel as he draws toward a close, as follows :

"Mr. Chairman, these lessons of history are full of warning and example. Much better would it have been for us in the beginning, *much better would it be for us now, to consent to a division of our magnificent empire and cultivate amicable relations with our estranged brethren*, than to seek to hold them to us by the power of the sword."

What a summing up is this! We should "consent to a division of our magnificent empire, and cultivate amicable relations with our estranged brethren." Not a word of condemnation for the fiends who have covered the land with slaughter. No syllable of sympathy for a bleeding country. The dead and wounded, fallen on a hundred battle-fields, grappling with the banded murderers of liberty, arouse no sensibility.

But these ingrates and parricides are our "estranged brethren," toward whom we should feel "amicable."

We have all heard before of these "estranged brethren" of ours. On the bloody field of Bull Run our heroic soldiers, who had laid down their lives for the country founded by Washington, were dug up from their graves by these our "brethren," their skulls converted into drinking-cups, and their bones into ornaments to be paraded throughout the South. Nay, more. Often this winter I have met at my own residence here and elsewhere in Washington a gallant young officer, whose heroism, though costing him a limb, had won for him honorable fame. How he was beloved by those who knew him you all do know. Manly, warm-hearted, brave in battle, and generous in victory, with a patriotism and devotion worthy of himself, he left here with a heart full of sympathy for his gallant comrades pining in the prisons of Richmond, and forgot that he was crippled in the trying day and night rides of Kilpatrick's raid on the rebel capital. I allude to Colonel Ulric Dahlgren, young in years, but one of nature's noblemen in deed. He was ambushed and slain.

Our "estranged brethren," with whom we are to cultivate "amicable relations," who are all in the right, while we are all in the wrong, left his dead body in the road to be eaten by hogs; and when at last it had been buried in the field near which he fell, they dug it up and carried it to Richmond, and after exhibiting it like barbarians, his remains, which death might have saved from insult, were tumbled into some unknown pit, and

the Richmond papers declared with fiendish and malicious rejoicing that he had died the death and received the burial of a dog! Contrast this with our treatment of O. Jennings Wise, Garnett, Zollicoffer, &c. These men, whose hate ends not at the grave, are our "estranged brethren," with whom the gentleman from Ohio tells us we are to cultivate "amicable relations," besides dissolving our Union at their command. Sir, I felt it to be my duty to ask the House whether they would send the member's speech abroad to the country without expressing their solemn condemnation of it in this fearful hour of our nation's peril. Those who vote against rebuking it may take that responsibility.

If you wish to know more of these "estranged brethren" go with me to Belle Isle, and there receive the hospitalities which they award to prisoners of war. The picture is too saddening and fearful to dwell upon. If you want to see more then go to East Tennessee, where women, for loving the Union, have been outraged so that they longed for the day of their death as they did for the day of their bridal, and where Union men have been hanged by the neck for no other crime than fidelity to that allegiance to which all of us here are sworn. Shall we cultivate "amicable relations" with such men as these? No, Sir, the sword of the Government will never be sheathed except over the grave of treason. But the gentleman goes on to say:

"Those elements of union which Mr. Adams described have, by the process of time, *been destroyed*. Worse, yea, worse than that, Mr. Chairman, I am reluctantly forced to the conclusion that in *attempting to*

preserve our jurisdiction over the Southern States we have lost our constitutional form of government over the Northern.

“What has been predicted by our wisest and most eminent statesmen has come to pass; in grasping at the shadow we have lost the substance; in striving to retain the casket of liberty in which our jewels were confined, we have lost those precious muniments of freedom. Our Government, as all know, is not any thing resembling what it was three years ago; *there is not one single vestige of the Constitution remaining*; every clause and every letter of it has been violated, and I have no idea myself that it will ever again be respected; revolutions never go backward to the point at which they started.”

If there is no Constitution left, what did the gentleman swear to support when he stood at that desk? If there was not a vestige of the Constitution remaining, then his oath was, in his own opinion, a nullity and a dead letter, and he knew that when he took it. He says further:

“To preserve a republican form of government under any constitution, under the prevalence of the doctrines now in vogue, is clearly impossible. These convictions of the complete overthrow of our Government are as unwelcome and unpleasant to me as they are to any member of this House.”

* * * * *

“I shall not, in these remarks, recur to the unpleasant and acrimonious controversy of who is responsible for the death and destruction of our Republic.”

Sir, if that Constitution is dead, if the Republic is dead and destroyed as he states, if the Government is overthrown as he avers, there is no other constitution left in this land save the Montgomery constitution framed by these rebels. The gentleman does not tell us that, but he says that a government has been organized there, and we all know they claim they have a constitution. With the recognition of the traitor government, we recognize their "constitution" as an existing fact also. And ours being all destroyed, as he says, that one will be the only living one on these shores. Are gentlemen on the other side ready to say that this, too, should not be condemned most severely here?

But when he asserts that the Constitution is destroyed, I answer him from the speech last Saturday of his colleague, [Mr. Cox.] Said that gentleman :

"What is the life of the nation, Sir, of which we hear so much? I know no other life of the nation except that incarnate in the written Constitution, which protects property, person, home, conscience, liberty, and life. Take away these, and there is no nation. Society is stagnant and dead."

And then, after this declaration that the life of the nation is incarnate in the Constitution, and that it protects all of us and all our rights, he goes on to say that "under no circumstances conceivable by the human mind, would he ever violate that Constitution for any purpose," and applies his reasoning on these two points, as follows :

"If there be any man in this Chamber who holds or utters any other sentiment in reference to the Con-

stitution and his oath than this which I have expressed, I say to him that language has no term of reproach, and the mind no idea of detestation, adequate to express the moral leprosy and treason couched in his language and clinging to his soul."

His colleague, [Mr. Long,] as shown just now, "holds and utters another sentiment in reference to the Constitution," when he declares that it is dead, destroyed, not a vestige of it remaining; and I leave him to the denunciation of his own colleague, [Mr. Cox.]

Mr. Cox rose.

Mr. Colfax.—I cannot yield, having quoted the gentleman's own words from his speech, and having but little time left.

Mr. Cox.—That language of mine was used, as the gentleman will see if he reads the context properly, with direct reference to a remark made by my colleague who sits near him, [Mr. Garfield,] that he would under certain circumstances overleap the barriers of the Constitution, and also with reference to a remark made by one of the gentleman's own colleagues, [Mr. Julian,] that under certain circumstances he would "blast the Constitution." I said that was moral treason.

Mr. Colfax.—Sir, I am quoting the gentleman's own emphatic language of denunciation, and reading from his own speech. I avoid the use of language of that kind myself, but am applying his language, intended, it is true, for others, to the sentiments just quoted from his colleague's speech.

But the gentleman from Ohio, [Mr. Long,] after all this argument, at last boldly declares for recogni-

tion of rebel independence and nationality as his choice of all alternatives remaining to us. And here are his words :

"I do not share in the belief entertained by many of my political friends on this floor and elsewhere, that *any peace is attainable upon the basis of union and reconstruction*. If the Democratic party were in power to-day I have no idea, and honesty compels me to declare it, that they could restore the Union of thirty-four States. My mind has undergone an entire change upon that subject ; *and I now believe there are but two alternatives*, and they are either an acknowledgment of the independence of the South as an independent nation, or their complete subjugation and extermination as a people, and of these alternatives I *prefer the former*.

"Mr. Chairman, I take little or no interest in the discussion of the question which many of my political friends would make an issue, as to how this war shall be prosecuted, its manner and object. I regard that as worse than trifling with the great question. I do not believe there can be any prosecution of the war against a sovereign State under the Constitution, and I do not believe that a war so carried on can be prosecuted so as to render it proper, justifiable, or expedient. *An unconstitutional war can only be carried on in an unconstitutional manner,*" &c., &c.

Before I proceed to comment on this extraordinary declaration, let me understand if my time is to be extended, as has been promised when I yielded to these repeated interruptions from the other side.

Mr. Chanler.—I object to any extension.

Mr. Colfax.—I expected the objection would come from that side of the House, although I have voluntarily given the gentleman from Ohio an hour after me, which he had no right to claim. But I ask no favors.

Mr. Cox.—I claim the right to withdraw the objection I made a while ago to the extension of the gentleman's time.

Mr. Colfax.—Mr. Speaker, I shall resume my seat and submit the case to the House.

Mr. Long obtained the floor.

Mr. Eldridge.—I rise to a point of order. I believe the understanding was that the gentleman from Indiana was to have all the time he desired.

Mr. Colfax.—I will not accept any extension of my time while gentlemen upon this floor object, as I saw the gentleman from New York [Mr. Chanler] object.

Mr. McKinney.—The gentleman yielded seven or eight minutes of his time to this side of the House. Now I hope he will go on.

Mr. Eldridge.—It was distinctly understood on this side of the House that he was to have that right.

Mr. Dawson.—I think the gentleman ought to be allowed to proceed without interruption, and I trust there will be no objection from this side of the House.

Mr. Ancona.—I rise to a point of order. Unanimous consent was given, as I understood, to our honorable Speaker to proceed beyond his hour, and it is too late to object now.

The Speaker *pro tempore*.—He has proceeded beyond his hour seven minutes.

Mr. Ancona.—No time was indicated.

Mr. Eldridge.—He was to have all the time he wished.

The Speaker *pro tempore*.—The gentleman from Ohio [Mr. Long] has the floor.

Mr. J. C. Allen.—I wish it to be distinctly understood that I am no party to this objection raised against the gentleman from Indiana proceeding.

Mr. Chanler.—I wish to assume the whole responsibility of the matter.

Mr. Colfax.—And I am willing the gentleman shall assume the whole responsibility.

Mr. Long.—I appeal to my friend from New York to extend the courtesies of the House to the Speaker and allow him to finish his remarks. I hope he will do it from considerations personal to myself.

Mr. Colfax.—Let me end this discussion. No repentant concession of the member from New York will I accept. [Applause.]

Mr. Chanler.—I simply want to say that I desire to yield to the request of my friend from Ohio. [Loud shouts of "Order!"]

Mr. Long.—I regret this occurrence very much. I had hoped that the gentleman from Indiana would be allowed two hours, if he wished, and I regret very much that this objection has been made by my friend from New York.

Before proceeding, I will ask unanimous consent of the House that the gentleman from Indiana be allowed to print the balance of his speech.

Mr. Colfax.—The gentleman from Indiana prints no words that he does not utter here, and especially none in regard to a matter like this. The gentleman makes the proposition in courtesy, but I cannot consent to it myself.

Mr. Long.—Mr. Speaker, I should have been glad to be relieved from the necessity of making any remarks upon this most extraordinary occasion. I should have preferred not to address the House on a matter so personal to myself; but the extraordinary circumstances by which I find myself surrounded, the peculiar manner in which this discussion has been conducted, and the importance of the occasion to me individually, seem to demand that I should make a brief response to some of the remarks which have been made by gentlemen on the opposite side of the House.

Sir, I was surprised when I entered the doors of this Hall on Saturday last. The first sound I heard was the clear shrill voice of the Clerk reading a resolution for my expulsion. I was amazed when I learned that the Speaker of this House had left his exalted position and moved that resolution. Nor was I less astounded when I heard the speech which he made in its support.

I do not complain of his having offered the resolution. I do not propose to arraign him for having offered it. I shall indulge in no personalities toward him, or toward any gentleman on this floor. Let me say now that, with one or two exceptions, I have been treated by all who have participated in this debate with regard and consideration; and whatever may be

the result of the vote which the House is about to take upon the question of permitting me longer to occupy a seat here, I shall always recur with gratification to the manner in which I have been referred to personally in the course of this discussion.

My acquaintance with the gentlemen on the other side of the House is limited. There are but few of them, comparatively, with whom I have become intimate. But all of them, with few exceptions, have referred to me in terms of respect and kindness. They have not impugned my motives; they have not found fault with the manner in which I have expressed myself.

Now, Sir, for what am I arraigned, for what am I on trial? In what have I offended, that I am no longer to be regarded as worthy of membership in this body? In what, that I am an unfit associate of gentlemen on this floor with whom I have been so pleasantly connected for the last four months? What is it? Have I done aught inconsistent with that honorable position to which my constituents elected me? Have I conducted myself on this floor in a manner unbecoming the dignity of a Representative of the people? Have I been indecorous or disorderly, or in an unseemly manner occupied the time or asked the attention of the House? Have I committed any crime? No, Sir, no such charge has been brought against me. But on the contrary I have been highly complimented for the manner in which I have expressed my opinions.

What, then, is the offence for which I am arraigned and to be expelled from this floor? It is this: that in

this hour of our country's peril, when we are engaged in a war of such magnitude, involving such vast consequences, affecting not only ourselves and our constituents but the cause of free government throughout the world; at this hour, when we have an army in the field which for numbers, prowess, and expensive equipment is unequalled in the history of the world; at this hour, when the war has lasted three years, and when we are daily called upon to vote appropriations of both men and money for its further continuance; when we are urged to harass the people by heavier and multiplied taxation, and to drag them from their homes by repeated conscriptions; that in this hour, believing that a further continuance of the struggle will not only be fruitless but will ultimately destroy the Republic, and with it the liberties of the people, exercising my right as the Representative of a free constituency, moved solely by a desire to prevent an unnecessary and therefore wicked waste of treasure and a further effusion of blood in what I deem to be a fruitless struggle; moved solely by my desire to preserve the liberties of the people and to maintain the principles and form of our Government, even if we could not preserve all its territory, having no sympathy with and no desire to aid its enemies, I have spoken my honest convictions according to the ability which God has given me.

That is the sum and substance of my offending. I have gathered together materials which the master-workmen of the Republican party have prepared ready for my use. I was not obliged to go either to the quarry or to the forest for my material. I found it already pre-

pared by the hands of skilful and experienced workmen, and without the use of axe, hammer, or any tool of iron I have joined it together; the workmanship is that of the leaders of the departed and living statesmen of your party, and the leading journals which mould and shape Republican opinion. I have justified my position by the authority of those master-workmen, the statesmen of the old Whig and Republican parties. They have prepared the materials for me, shaped them in the most delicate manner, and with the utmost skill, and with the greatest powers. They have supplied the arguments which I collected and from which I drew certain conclusions and presented them to the House. Why, Sir, I have studied the statesmen whose political sentiments you profess. I have quoted from your present Chief Executive, from the Secretary of State, from men in authority of equal ability. They have maintained certain principles in regard to the administration of the government in time of war and the coercion of States, and from them I have drawn my conclusions. They forced themselves upon my mind, and I could not resist them. They were that two alternatives only remained to us; neither of them is agreeable to me, but between them I must choose, and for choosing that which I believed to be the least fruitful of evil I am to be expelled from this House.

Now, gentlemen, I ask you to approach that question with care and deliberation. I ask you, before you pass a vote of expulsion or censure upon me, to consider the circumstances in which we are placed and by which we are surrounded to-day. It is an important

occasion. I expressed my convictions ; my colleague [Mr. Garfield] replied to me immediately. Many of my own friends did not agree with me. They have taken occasion to say so. My colleagues on this side have, with few exceptions, hastened to express their dissent. They were speedy to confirm my statement that I did not undertake to speak for them. I may be in error. My judgment and conscience tell me that I am not. I may not look at the great struggle in its true light. I have looked at it deliberately in order to discover, if possible, the end to which it was tending. I have formed my conclusions. I believe there are but two issues to which this war can lead; and so believing, independently as a Representative of the people, honestly and candidly as a man, overcome by a sense of duty to my country and responsibility to my God, I have deliberately, courteously, and gentlemen say with great circumspection, expressed my convictions to the House. They commend my manhood and candor; they award me credit for having spoken my honest convictions; but they dissent from my conclusions. That is my offence.

Gentlemen, if there is any thing in that, if there is any blame to be attached to me for having thus uttered my convictions, then the God who made me and gave me utterance, and gave me the impulse to say openly what I believe firmly, is to blame, instead of myself. I declared the deliberate conviction of my judgment, I declared the deliberate conclusion of my mind; and having listened with attention to the arguments of gentlemen, I have not

yet heard one which has moved me from my position. I may be in error. If you are still further to govern us, I trust, for my country, that I may be. But do not, gentlemen, trifle with the country. If I am wrong, convince me. Do not, in this hour, gratify partisan aspirations at the expense either of our country or of truth. The gentleman from Missouri [Mr. Rollins] sees in this movement what I have thought I also very clearly discerned. He says that it was designed to make party capital, and that the effort is more to see how much can be made out of it for the next campaign than to arrive at just conclusions. He told you that it is all party and no word for the country; all party, from the introduction of the resolution to the hour we are going to vote on it. He is the only gentleman on the other side of the Chamber who discussed and combated the principles and arguments of my speech. He did it in a courteous, dignified, and statesmanlike manner; but while I respect him, I must say that he has failed to change my convictions. I may be wrong. I believe I am right. I have not one word to retract. My convictions are as strong, my judgment as firm as when on Friday I gave utterance to my sentiments.

What, Sir, is the position on which I stand? Let me call your attention for a few moments to the means by which I arrived at my conclusions. I built upon the foundation laid by the gentleman from Pennsylvania, [Mr. Stevens.] As so much has been said on the subject, I will read a short paragraph from his speech. He says:

"Some think that these States are still in the Union and entitled to the protection of the Constitution and the laws of the United States." * * *

"Others hold that having committed treason, renounced their allegiance to the Union, discarded the Constitution and laws, organized a distinct and hostile government, and by force of arms have risen from the condition of insurgents to the position of *an independent Power de facto*, and having been *acknowledged as a belligerent* both by foreign nations and our own Government, the Constitution and the Union are abrogated so far as they are concerned, and that as between the two belligerents they are under the laws of war and the laws of nations alone, and that whichever Power conquers may treat the vanquished as conquered provinces, and may impose upon them such conditions and laws as it may deem best." * * * * *

"But it is said that this must be considered a contest with rebel individuals only, as States in the Union cannot make war. That is true so long as they remain in the Union. But they claim to be out of the Union, and the very fact that we have admitted them to be in a state of war, to be belligerents, shows that they are no longer in the Union, and that they are waging war in their *corporate capacity, under the corporate name of the confederate States, and that such major corporation is composed of minor corporations called States acting in their associated character.*"

* * * * *

"When an insurrection becomes sufficiently formidable to entitle the party to belligerent rights, it places

the contending Powers on precisely the same footing as foreign nations at war with each other." * *

"No one acquainted with the magnitude of this contest can deny to it the character of a *civil war*. For nearly three years the confederate States have maintained their declaration of independence by force of arms." * * * *

"What, then, is the effect of this public war between these belligerent, these *foreign nations*? Before this war the parties were bound together by a compact, by a treaty called a 'Constitution.' They acknowledged the validity of municipal laws mutually binding on each. This war has cut asunder all these ligaments, abrogated all these obligations."

These are the remarks of the gentleman from Pennsylvania, word for word, and which were referred to by the gentleman from Indiana [Mr. Colfax] as if I were their author. I adopted them. I have simply followed in the lead of the distinguished leader of the Republican party. I drew my conclusions from the speech of the gentleman from Pennsylvania, which I have not heard him take back. I know that some gentlemen upon this side of the House have denounced him for it; and I know some gentlemen upon that side of the House have disagreed with him. Yet I have not heard of a resolution being introduced for the expulsion or censure of that gentleman. He and I agree. These States are out of the Union; they have established an independent government *de facto*; they have maintained their declaration of independence by force of arms for three years. For three years they have so

prosecuted the war that by the laws of war and the laws of nations they have cut asunder all the ligaments and abrogated all the obligations which bound them to us under the Constitution. He and I agree in that opinion. If you condemn me, I ask you to be consistent and condemn your distinguished leader. I might not have been brought to that conclusion had not the argument been placed before me by the leader of the Republican party on this floor. If, gentlemen, you censure me for putting myself in position with him you must, to be consistent, censure us both. "Be just, though the heavens fall." Rise above party. If the same words were uttered upon that side of the House as those for which you condemn me, make no difference between me and the member of the Republican party who uttered them; consistency is a jewel. If you must have a victim, if it is necessary that censure should attach somewhere, censure us both; we stand on the same ground; we uttered the same language and hold the same opinion as to the condition of the confederate States.

He goes further than I do. He is for waging war against the confederate States as a foreign nation for conquest and subjugation. I am against it; the difference is purely a question of policy, which is always a legitimate subject of discussion in a legislative assembly. I believe that if a war of subjugation could be successfully prosecuted against the confederate States as a foreign nation, and we held and governed them as conquered provinces by the exercise of the coercive power of the the Government, the effect would be to

destroy the principles of the Union between all the States North as well as South, and establish an absolute despotism upon the ruins of the liberties of the people; and believing this, I am not willing to sacrifice our republican form of Government for territorial aggrandizement and the establishment of a despotism.

Now, in another part of my speech, I have quoted from the New York Tribune, from the great leading republican paper of my district, the Cincinnati Commercial, from the Columbus Journal, and from a number of papers which I will not enumerate here. I did not give to the House what those papers said, but I extracted from them the materials which I used in coming to my conclusion. I will now ask the Clerk to read some extracts which were published in the Cincinnati Commercial in 1861. That paper is published in my city, and is more influential in moulding Republican opinion in my district than any other paper published in the State.

The Clerk read as follows:

“War for the subjugation of the seceders would be unwise and deplorable. There is no province in the world, conquered and held by military force, that is not a weakness to its master. Many of the English colonies have drained England of her wealth. The English people are now eaten up with taxation to hold distant possessions in military subjection, and carry on her world-wide system of fillibustering, which has for centuries been a national passion. The wars, which are visited upon her in her monstrous national debt, were occasioned by the pride of her aristocracy and the

intrigues of her politicians, and were not, with an exception of two, in the interest of her people. India, upon which she has lavished her strength, and which is the most magnificent trophy of wars of conquest held by any nation, is an incumbrance to her to-day. Algiers is a costly and unprofitable appendage of France. Venetia is the weak spot of Austria, and the life's blood of the empire is drained to hold that territory, which is absolutely worthless to the Austrians, and fetters her armies in the Quadrilateral. The history of the world certainly proves that it is not profitable to govern a people without their consent."

"The logical lesson of this fact in this country is that if there are two nations here who have been living in an unnatural union, they should, for the benefit of one or both, be separated. We do not entertain the opinion that a forced alliance between antagonistic nationalities has existed in the Union which our fathers made. We believe, whatever the difference in domestic institutions, in temperament, in soil and climate, and in ideas of local government, to be found within the limits of the land, that each interest was secure within the Union, and that all sections were more prosperous and happy within than they can be without the Union."

"The dream of an ocean bound republic, which has been so grateful to Young America, we yet hope to see realized; but in the mean time there is room for several flourishing nations on this continent; and the sun will shine as brightly and the rivers run as clear—the cotton-fields will be as white and the wheat-fields as golden—when we acknowledge the southern confederacy

as before. We would not undervalue the Union. It has ministered to our national pride as well as to the prosperity of the whole country. But when it is gone, we still have our fruitful and inviting soil and clime, our seats and channels of commerce, and the unequalled capacity of the people for productive labor."

"We are not in favor of blockading the southern coast. We are not in favor of retaking by force the property of the United States now in possession of the seceders. We would recognize the existence of a government formed of all the seceding States, and attempt to cultivate amicable relations with it."

Mr. Long.—Those articles, as I said before, appeared in the Cincinnati Commercial, the leading Republican paper of my own State. There appeared also at the same time a series of articles in the Columbus Journal, published in the capital of my State. The articles in the Commercial appeared immediately following an interview which took place between the proprietors of that paper and the present Secretary of the Treasury, S. P. Chase, and at the time they were attributed to that distinguished gentleman.

I will not detain the House by referring to the other extracts, but as I said before I found these materials adjusted by the hands of a skilful workman for my use. I chose to go to the leaders of the Republican party rather than draw from what had been written and said by my own party, feeling that thereby my position would be more impregnable against the assaults of my opponents. I was unwilling to believe that the Republican party would repudiate the utter-

ances of its own great statesmen, leaders, and principal journals, but from demonstrations made on this floor for the last few days I am led to the conclusion that I was most sadly mistaken.

I caution you, gentlemen, on that side of the chamber, to approach the subject carefully. It will be the worst record for you that you can possibly make if you now repudiate these principles. You have before avowed them, and I predict here to-day you will be driven to avow them again before another President shall have been inaugurated on the 4th of March, 1865. I warn you, gentlemen, that in voting to expel me from this Hall, or in voting censure upon me for uttering these sentiments which have been avowed by your own leading statesmen and newspapers, you are doing that which will ultimately subject yourselves to a worse odium than that which you are seeking to fasten upon me. Events are progressing rapidly; we know not what a day may bring forth. I do not, in saying this, mean in any degree to intimidate any gentleman, or prevent him from voting as his judgment dictates; but regardless of consequences to myself I make the prediction that you will rue this day, that you will seek to obliterate this record before we shall have dissolved this Congress on the 4th of March next.

I may be in error in the opinions I expressed. Some of my own friends upon this side of the House have planted themselves in opposition to them, and I have received their condemnation. Those who will occupy a position with me in the future upon these great questions will not be those who agree with my distin-

guished friend on my right, [Mr. Smith.] But there will be gentlemen from the other side of the House who will come to my principles. I believe that you will come to them, gentlemen. I do not believe that the American people, North or South, will ever agree with the member from Kentucky, [Mr. Smith,] that we ought to subjugate and exterminate the people of the South, and populate that country with a better class of people. I do not believe that the people of this country, not even of the Republican party, would agree to that. I cannot believe that any man when he lies down on his pillow and communes with his God, when he considers the magnitude of this issue, involving the fate of eight million men, women, and children, could agree to the doctrine of the member from Kentucky.

Mr. Smith.—The gentleman will allow me one moment; I will not occupy more of his time. When I used the expression the day before yesterday that I was willing not only to subjugate the South, but, if need be, to exterminate its people and populate that country with a better class of people, I did not refer to the innocent children who cannot commit treason; but I referred to the men in arms, to those who have by direction or indirection committed treason against the Government.

Mr. Long.—I give the gentleman all the benefit he can derive from his explanation. I regard it as but a very feeble effort to extricate himself from the position in which he and other gentlemen here have placed themselves. I envy not the man who can clasp his hands

and close his eyes in prayer and ask the extermination of these people at the South. I have no heart and no disposition to see such a work as that go on. I cannot consent to it. So help me God, I am against it. Standing as I do among you alone, I am willing to raise my voice, feeble as it is, against it. I want peace in this country; peace, peace, if I can have it, rather than the extermination of these people who are struggling in a cause which they believe to be right. Sir, let this war cease. I, for one, am against it. Although I may be expelled from this hall, and sent home to my constituents branded by the condemnation of the gentlemen opposite, I will utter the convictions of my judgment; I will take the consequences, and will go down, if you please, to infamy, if such is the estimation in which I am to be held, for raising my feeble voice for peace.

Sir, I dislike personalities, and I intend to be respectful to all gentlemen. I must, nevertheless, point out what in my judgment is an inconsistency on the part of the gentleman who has moved this resolution of expulsion.

On the 11th day of February, 1861, Mr. Craige, of North Carolina, submitted on the floor of this House the following resolution. I read from the Congressional Globe, second session Thirty-Sixth Congress, part one, page 853:

“Mr. Craige, of North Carolina.—I submit the following resolution:

“Whereas the States of South Carolina, Florida, Alabama, Georgia, Mississippi, and Louisiana have

seceded from the Confederacy of the United States, and have established a government under the name of 'the confederacy of the United States South;' and whereas it is desirable that the most amicable relations should exist between the two Governments, and war should be avoided as the greatest calamity which can befall them :

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and is hereby, required to acknowledge the independence of said government as soon as he is informed officially of its establishment; and that he receive such envoy, ambassador, or commissioner as may or shall be appointed by said government for the purpose of amicably adjusting the matters in dispute with said government.

"Mr. Craige, of North Carolina.—I hope that the resolution will be permitted to pass, as I doubt not it is the wish of all of us that peace shall be preserved.

"Mr. Farnsworth.—I object; and move that it be referred to the Committee on Patents. [Laughter.]

"Mr. Craige, of North Carolina.—I move that it be referred to the Committee on Foreign Affairs.

"The question was taken; and the joint resolution was referred to the Committee on Foreign Affairs."

Thus, Mr. Speaker, on the 11th day of February, 1861, Mr. Craige, an avowed secessionist, who was in favor of dissolving the Union, who carried out his views and went South, proposed, in his place here, a recognition of the confederacy, and to put in that dip-

lomatic gallery an envoy extraordinary from the Confederate States. And this resolution was dignified in this House by a reference to the Committee on Foreign Affairs. The gentleman from Indiana [Mr. Colfax] was present and assented to that reference. He probably voted for it. He moved no resolution of censure, no resolution of expulsion.

There is another circumstance to which I wish to allude. It has been referred to before, but I choose to refer to it again. Mr. Conway, a member from the State of Kansas, in a speech which he made in this House on the 27th of January, 1863, uses this language before, proposing two resolutions. I read from Congressional Globe and Appendix, third session Thirty-Seventh Congress, part two, page 66 of the Appendix:

“Nevertheless I cannot refrain from expressing my individual opinion that the true policy of the North is to terminate this war at once. The longer it continues the worse our situation becomes. Let the two Houses of Congress adopt the following resolutions:

“*Resolved by the Senate and House of Representatives, &c.*, That the Executive be, and he is hereby requested to issue a general order to all commanders of forces in the several military departments of the United States to discontinue offensive operations against the enemy, and to act for the future entirely on the defensive.

“*Resolved*, That the Executive be, and he is hereby further requested to enter into negotiations with the authorities of the Confederate States, with reference

to a cessation of hostilities based on the following propositions; first, recognition of the independence of the Confederate States; second, a uniform system of duties upon imports; third, free trade between the two States; fourth, free navigation of the Mississippi river; fifth, mutual adoption of the Monroe doctrine.

"I am aware that this may be said to be giving up the contest. In one respect it undoubtedly is. It is an abandonment, for the time being, of the attempt to bring the South under the sway of the Union by force of arms. But it cannot be denied that in this object we are already defeated; we have defeated ourselves."

Did I ever say as much? Have I admitted that we were defeated? Have I denied the prowess of the Federal Army? Have I denied its ability to exterminate the South? Not a syllable can be pointed out in my speech which looks to any such idea. Have I ever once claimed that the Federal Army was not able to cope with or overpower the confederates and exterminate the Southern people? I object to its extermination. I have not admitted, as Mr. Conway did, that we were defeated. I have not been willing to give up the contest in that respect.

And why do I refer to this now? I refer to it, Sir, for this purpose: to show that as well on the 11th of February, 1861, as on the 27th of January, 1863, the present Speaker of this House occupied a seat on this floor and heard these resolutions offered. He heard the speech of Mr. Conway. And he, so far as I am advised, moved no resolution of expulsion or of censure against either of those members.

It has been said that what has been declared by the leaders of the Republican party against coercing the States was uttered before the war began and before blood was shed. It is true this gentleman from North Carolina [Mr. Craige] used that language and offered this resolution before blood was shed. Mr. Conway used his language and offered his resolution after we had been engaged in war two years. The army was as near to the Potomac then as it is to-day. Washington city was surrounded then as it is surrounded now. The President was guarded then in his mansion by armed sentinels, as I said on last Friday; he is guarded now. This gentleman [Mr. Conway] said that we had defeated ourselves; and he proposed a recognition of the Southern confederacy. He proposed that the President should recognize it. Where was the gentleman from Indiana then? Where was his resolution of expulsion, where his resolution of censure against Mr. Conway? Where was all his virtuous indignation and his loud-sounding patriotism then? Why did he not stop the business of legislation long enough at least to make an effort at expulsion or censure? What is the difference between us, Sir?

On the 27th day of January, 1863, the war had progressed for two years; it now has progressed three. On the 27th of January, 1863, the Speaker who now proposes my expulsion was on the floor of the House, and now he is in the Speaker's chair. Because he occupies that position, does it give him any higher right, does it give him any higher power? I think it does not. The only difference between my conduct

and that of Mr. Conway, was that he was an abolitionist and I am a Democrat. Therefore I am to be expelled, while he goes without censure or disapprobation. [Applause in the galleries.]

Mr. Cox.—I hope the Chair will preserve order. [Laughter.] I presume he will not hesitate to clear the galleries now.

Mr. Long.—I came into this House and delivered my speech on Friday. The Speaker of the House knew that I was going to deliver it and manifested much kindness in respect to it. He evinced much disposition to give me the floor. Other gentlemen on the other side of the House knew I was going to deliver it, and I told them I would go a bow-shot beyond any thing that had been yet said.

Mr. Colfax.—The gentleman will bear me witness that he never said any thing of that character to me.

Mr. Long.—Certainly I did not say that to the Speaker, but I did to a number of gentlemen now in their seats on that side of the Chamber.

Mr. Cox.—If the gentleman will allow me for a moment, I want to know from gentlemen on the other side of the House whether some of them were not advised when they went into the Hall on Friday last of the precise character of the speech he proposed to make, and that it would be for the recognition of the South?

Mr. Long.—I cannot yield further to my colleague.

Mr. Cox.—I charge that upon the other side of the House, and then that they undertook to circulate the speech. [Laughter.]

Mr. Long.—I will take care of that. I do not yield to my colleague further.

Now, Mr. Speaker, I delivered that speech in this House, as gentlemen have been kind enough to tell me, very well. I thought it was delivered very badly. I was quite dissatisfied with myself for the manner in which it was delivered. During its delivery the Speaker did me the honor to listen to me. My eye was upon him. A gentleman upon the other side of the House [Mr. Ashley], who knew in advance the character of the speech, gave me his attention; and after I had nearly completed its delivery, after I had laid down my premises, and drawn my conclusions, after I had not only laid the foundations, but nearly erected the superstructure, and the hammer fell as my hour expired, the distinguished Republican from Illinois [Mr. Washburne] rose in his place and asked the unanimous consent of the committee to give me time in which to conclude my speech, and in connection with that request the gentleman is reported, and I believe correctly, as follows :

“As the speech of the gentleman from Ohio is the key-note of the Democratic party in the coming election, I hope there will be no objection to his finishing his speech. It means recognition of the confederacy by foreign Powers, and peace upon terms of disunion.”

What says the rule on that point? I find on page 124 of the Rules as follows :

“If any member, in speaking or otherwise, transgress the rules of the House, the Speaker *shall*, or any member may, call to order; in which case the member

so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate."

They knew what I said. They heard me say it. The Speaker heard it and did not feel himself obliged to call me to order. Yet the rule of the House is imperative that he *shall* call to order. So far were they from that, that they were willing that I should finish my speech. They gave me unanimous consent to finish it. And my colleague from the Toledo district, [Mr. Ashley], as soon as the speech was delivered, put his name upon the list and subscribed for five hundred copies of it to be circulated as treason. [Laughter.] Yes, Sir, a number of gentlemen on that side subscribed for it. The gentleman who took upon himself the responsibility of drawing a parallel between Benedict Arnold and myself subscribed for one hundred copies. [Laughter.] Yet while these gentlemen are doing that, while they are willing to put it forth to the country, treasonable as they say it is, they now demand that I shall be censured or expelled for having uttered it. They have not generally subscribed for a Democratic speech.

They have treated me with great consideration. They have given me great notoriety. They could not have given more if I had made one hundred speeches upon this floor of more ability. For the notoriety that they have given me in the last three or four days' proceedings of the House, I ought rather to thank than find fault with them. I ought to feel rather complimented than otherwise.

Gold has gone up from 160 to 190. I do not know that my speech has produced it. [Laughter.] There is something mysterious in this matter.

Mr. Schenck rose.

Mr. Long.—I cannot yield to my colleague. I never yield to him. I have the utmost respect for almost every other gentleman on that side of the House except my colleague. He does not command in this department. I thank God that he is not a brigadier-general on this floor. If he were I should not be permitted to speak to-day.

Mr. Schenck, (in a subdued voice.)—If I were I would soon send you over the lines. [Laughter near Mr. Schenck's seat.]

Mr. Long.—I have, I say, been treated generally with the highest consideration and respect by gentlemen on the other side of the House. But one member on that side of the House, a member from Pennsylvania, formed a notable exception. He said :

“Among the soldiers of Pennsylvania you would not find one in five hundred who would not brain the gentleman for uttering in camp the doctrines he uttered with impunity in this hall.”

That I may do no injustice to a number of gentlemen from that State who have done me the honor to reply to me, I will say that I mean the man who plays Forrest upon this floor for the amusement of the House [Mr. Kelley]. [Laughter.] I dislike to refer to anything he has said ; I dislike personalities. Pennsylvania is my native State, and I honor her noble sons whether in the field or elsewhere.

Yet, Sir, I despise the man who would appeal to the passions of the soldier in the field to turn his back upon the foe worthy of his steel, and assail the citizen at home. I despise the man who would say it; and I go further and say that of each five hundred soldiers which Pennsylvania has sent, there is not one in whose bosom a nobler heart does not pulsate than ever beat in the breast of him who would drag them down to a base level with himself. [Applause.]

Sir, I regret that I am obliged to refer to these personalties. I do not fear the soldier. He never has offered me offence, and I do not believe he ever will. I have a high regard for his intelligence and his valor; he can distinguish between his real and his pretended friends. He can distinguish between his true friends and those who, with professions on their lips, vote always against either increasing his wages or ministering to his wants when he is actually in distress. I have in my hand the letter of a soldier, and I propose to read it. I received it this morning, and it is but one of many which I have been receiving daily since last Monday morning, and in approbation of the position I have taken. The soldier says:

BATTERY —, *April* 13, 1864.

SIR: Will you be so kind as to send to the subscriber two or three copies of your speech of Friday last, if you have it in pamphlet form, and much oblige a soldier who fights for free government, free speech, and the Constitution as it is?

With respect, I remain, yours, sincerely,

Hon. A. Long.

The name of the battery, company, and State to which he belongs, and location, are all given; and I may here say that his State is ably represented on both sides of this Chamber. I omit to give his name, company, &c., lest he might be reprimanded by his superior officers.

[Here the hammer fell.]

Mr. Cox.—I make my motion now to lay the amendment offered by the gentleman from Pennsylvania [Mr. Broomall] upon the table.

Mr. Morrill.—I ask the unanimous consent of the House to report from the Committee of Ways and Means a bill providing internal revenue, in order to have it printed.

Mr. Cox.—I ask my friend over the way to allow my colleague [Mr. Long] to proceed to the conclusion of his remarks. How much time does my colleague want?

Mr. Long.—Fifteen minutes.

Mr. Cox.—My colleague wants only fifteen minutes to conclude his defence.

Mr. Colfax.—I hope the request will be granted.

No objection was made.

Mr. Long.—I thank gentlemen for extending my time. I shall be very brief in my concluding remarks.

Now, Sir, I apprehend that gentlemen upon that side of the House have mistaken the character of the American people. I am satisfied that they have placed too low an estimate upon their patriotism and intelligence when they undertake to shut out from them free

speech upon this floor. I am willing to trust them with the largest liberty; and I venture to say that had it not been for interfering with free speech, had it not been for opening the door of the bastille for incarcerating men for doing what we have been doing here to-day, we should have been in a better condition to-day, our Government would have been more prosperous, and we would have been nearer the restoration of the Union.

If this principle is to be carried out, why allow the papers from Richmond to come through the lines, and their articles to be copied into our papers and circulated throughout the land? Why are you not willing to allow the people to have light? Why do you propose to keep them in darkness? You call upon them to respond in taxes and in men to carry on this war. While you ask that of them, they want to know what you propose to do; they want to know how you are going to terminate this war; and they want free discussion and free debate. I am willing to trust them. You all think about these matters; if you do not you are not up to the high mission you are charged with in coming here. If you have not reflected how you are going to terminate this issue, if you have no programme, if you are afraid of free discussion, if you are afraid of the expressions of our sentiments, you are not discharging the duty of American statesmen.

I have risked my connection with my party, for they have denounced me, but I have done what I considered to be my duty fearlessly and candidly. I am not willing to believe, so far as I am concerned, that

gentlemen upon the other side of the House will strike down free speech in my person.

I have heard reference made to a number of noble Englishmen when our grandfathers were struggling, as mine were, upon the battle-field to achieve our liberties here. I have already heard quoted upon this floor what they said, but I have one quotation which I desire to make which has not been referred to. It will be remembered that after the Declaration of Independence there was almost a unanimity among the English people; the Parliament was united, and the ministers carried their measures by a vote of more than three fourths of the members of that body. And, Sir, in the discussion of an address in answer to the Crown, Mr. Fox used this language:

“It has been said that we are reduced to the dilemma of conquering or abandoning America. If that be the alternative, I am for abandonment.”

Now, Sir, when was that said? It was said in October or November, 1776, after the battle of Long Island and the capture of the city of New York by British arms. It was said, Sir, at a time when everything looked favorable to the subjugation of the colonies upon this continent by the British Government. Mr. Fox had the manhood to rise in the British Parliament at that time and declare that if the alternative was presented between conquering the colonies or abandoning them, he was for abandonment; and who ever heard of a resolution offered for censuring him? As early in the history of the Revolution as 1777 Mr. Pitt used similar language in reference to the colonies.

He said that in order to save the body he was willing to amputate the limbs, and let the colonies go. Who ever denounced or censured him for using that language?

Again, Sir, hear the language of Lord Chatham on the same subject. He said :

“The desperate state of our arms abroad is in part known. No man thinks more highly of them than I do; I love and honor the English troops; I know their virtues and their valor; I know they can achieve anything except impossibilities; and I know that the conquest of English America *is an impossibility*. You cannot, I venture to say it, YOU CANNOT conquer America.” * * * * “MY LORDS, *you CANNOT conquer America.*” * * * *

“As to conquest, therefore, my lords, I repeat, it is impossible. You may swell every expense and every effort still more extravagantly; pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful German prince that sells his subjects to the shambles of a foreign prince; your efforts are forever vain and impotent—doubly so from this mercenary aid on which you rely; for it irritates, to an incurable resentment, the minds of your enemies—to overrun them with the mercenary sons of rapine and plunder; devoting them and their possessions to the rapacity of hireling cruelty! If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never, never, never.”

Who ever heard of a resolution of expulsion or

censure of him for the utterance of those sentiments? These men might have been mistaken. Time and events have proved that they were correct, and that they appreciated the magnitude of the great issue in which their country was involved. But whether they were right or wrong, whether mistaken or not, the British Parliament tolerated that difference of opinion and maintained the freedom of speech. Sir, are we less enlightened to-day, are our people not as intelligent as the English people were then? Can they not discriminate between the truth and error? Cannot they draw the line between patriotism and treason? Can they not rise, as the gentleman from Missouri [Mr. Rollins] said, above party politics and look to the interests of their country? They can judge whether a man discussing these great questions is right or wrong. But, Sir, give him free speech; do not strike him down in the American Congress; do not strike him down in this enlightened age, in the middle of this nineteenth century, when we boast of our free speech and pride ourselves upon our intelligence and discriminating justice. Let the people decide. Let us go to the people, as the gentleman from Kentucky [Mr. Smith] proposed. Let the discussion commence here and let it extend to the people.

This great question must be discussed. You may strike me down for having dared to approach it upon this floor—you have the power in point of numbers to do so—but the eyes of the American people are upon you and will hold you to an account for having stifled free speech and the freedom of debate in the halls of

the American Congress. The cant about loyalty has served to conceal your designs and shut out discussion long enough. The people demand light. They have been patient, patriotic, and enduring beyond measure; they are still so; but they want to know what the final result of all this sacrifice of men and treasure is to be, and what form of government they are to live under hereafter. The discussion of these questions is more important to them than who shall be elected President next November.

[Here the hammer fell.]



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